

ESTTA Tracking number: **ESTTA709648**Filing date: **11/19/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218738
Party	Plaintiff Abercrombie & Fitch Trading Co.
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Signature	/Jessica Bradley/
Date	11/19/2015
Attachments	Affidavit of Reid Wilson (CONT.).pdf(53738 bytes) Exhibit 19.PDF(2311714 bytes) Exhibit 20 Part 1 of 4.PDF(5597303 bytes) Exhibit 20 Part 2 of 4.PDF(5355670 bytes) Exhibit 20 Part 3 of 4.PDF(5834315 bytes) Exhibit 20 Part 4 of 4.PDF(4783742 bytes) Exhibit 21.PDF(3415922 bytes) Exhibit 22 Part 1 of 2.PDF(3551600 bytes) Exhibit 22 Part 2 of 2.PDF(4244120 bytes) Exhibit 23.PDF(2046665 bytes) Exhibit 24.PDF(621789 bytes) Exhibit 25.PDF(2192988 bytes) Exhibit 26.PDF(5029826 bytes) Exhibit 27.PDF(783328 bytes) Exhibit 28.PDF(941488 bytes) Exhibit 29.PDF(833934 bytes) Exhibit 30.PDF(767337 bytes) Exhibit 31.PDF(1005126 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

ABERCROMBIE AND FITCH TRADING CO.,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91218738
	§	
SCHNITTGER, ISABELLA ELISABETH	§	
	§	
Applicant.	§	
	§	

TESTIMONY AFFIDAVIT OF REID. M. WILSON (CONTINUED)

EXHIBITS 19-31

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 19



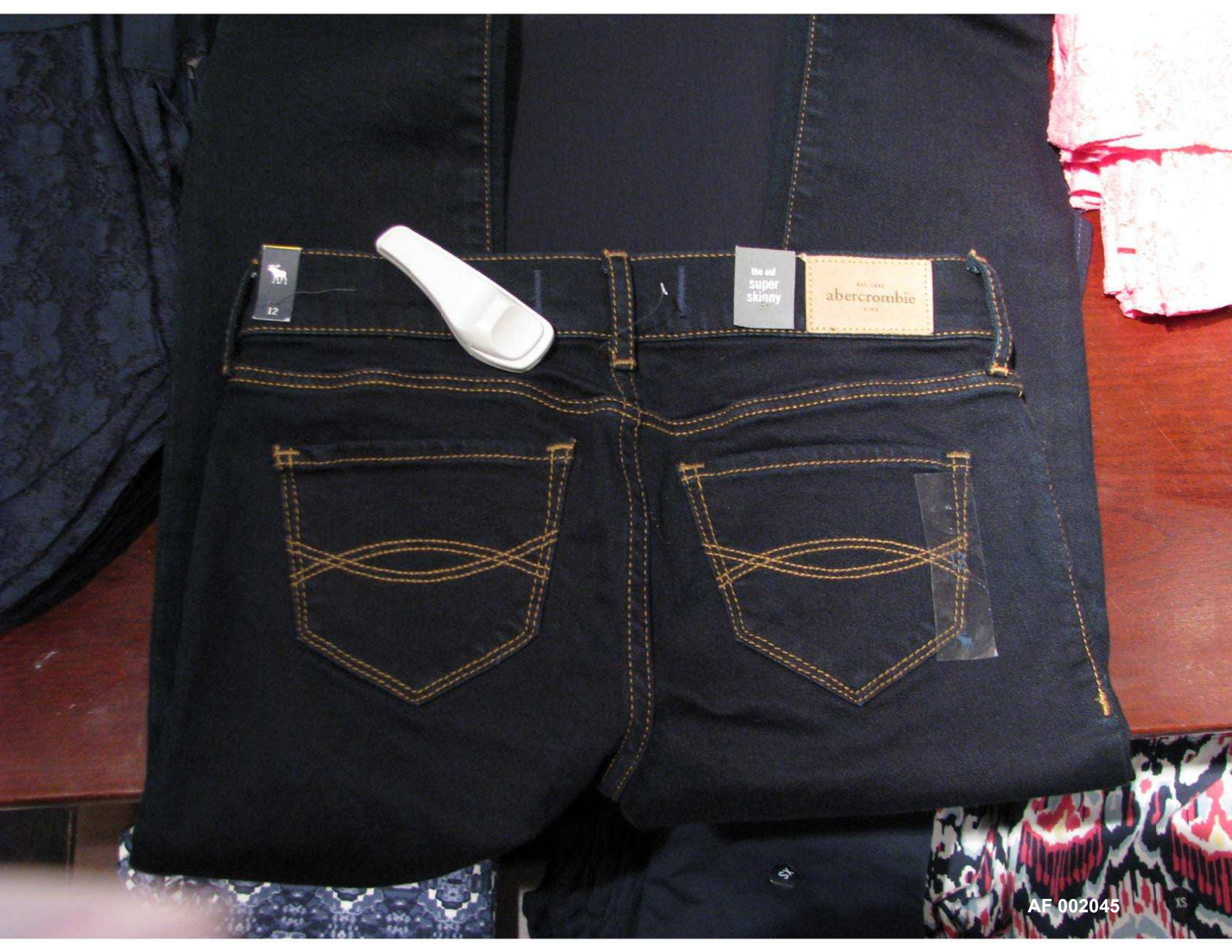
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AF 000565



AF 000566



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skinny

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AF 000562

x-small

XS



AF 000563



small

S



small

AF 000564

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

**Wilson Affidavit
Exhibit 20
Part 1 of 4**

UMMER 2002

Abercrombie & Fitch

AF 000928



ADELINE POLO

ADELINE POLO 2554 A Burgundy B Red C Pink D White E Green F Blue G Navy. 96% cotton/4% spandex, embroidery, Vintage Abercrombie Wash, Fitted, Women's S, M, L, XL, Imported, \$24.50

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AF 000931

CHRISTMAS 2002



Abercrombie & Fitch

AF 000932



A&F WINTERWEAR

SNOWFLAKE 4317 A Navy B Grey C Burgundy D Red. 100% shetland wool, 100% polyester fleece lining, Vintage Abercrombie Wash, one size, Imported, \$19.50

RIBBED 4319 A Navy B Grey C Burgundy D Red. 100% shetland wool, 100% polyester fleece lining, Vintage Abercrombie Wash, one size, Imported, \$19.50

MOOSE 4321 A Navy B Grey C Burgundy D Red. 100% shetland wool, 100% polyester fleece lining, Vintage Abercrombie Wash, one size, Imported, \$19.50

STRIPED 4254 A Navy B Grey C Burgundy D Red. 100% shetland wool, 100% polyester fleece lining, Vintage Abercrombie Wash, one size, Imported, \$19.50

SOLID 4318 A Navy B Grey C Burgundy D Red. 100% shetland wool, 100% polyester fleece lining, Vintage Abercrombie Wash, one size, Imported, \$19.50

EAR FLAP 4320 A Navy B Grey C Burgundy D Red. 100% shetland wool, 100% polyester fleece lining, 100% polyester faux fur ear flap lining, Vintage Abercrombie Wash, one size, Imported, \$24.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 000935



A&F BOXERS

PRINTED MOOSE 4281 A Red B Navy C Green. 97% cotton/3% spandex, Vintage Abercrombie Wash, Classic Fit, S, M, L, XL, Imported, \$14.50

PLAID 4393 D Red E Navy F Green. 95% cotton/5% spandex, Vintage Abercrombie Wash, Classic Fit, S, M, L, XL, Imported, \$14.50

ALL-OVER MOOSE 4282 G Red H Navy I Green. 97% cotton/3% spandex, Vintage Abercrombie Wash, Classic Fit, S, M, L, XL, Imported, \$14.50

WHITE GROUND PLAID 4332 J Red K Navy L Green. 95% cotton/5% spandex, Vintage Abercrombie Wash, Classic Fit, S, M, L, XL, Imported, \$14.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 000937



JENNY MOCK NECK SWEATER

JENNY MOCK NECK SWEATER 4158 A Cream B Camel C Grey D Red E Burgundy F Navy. 70% cotton/15% wool/15% nylon, Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$49.50



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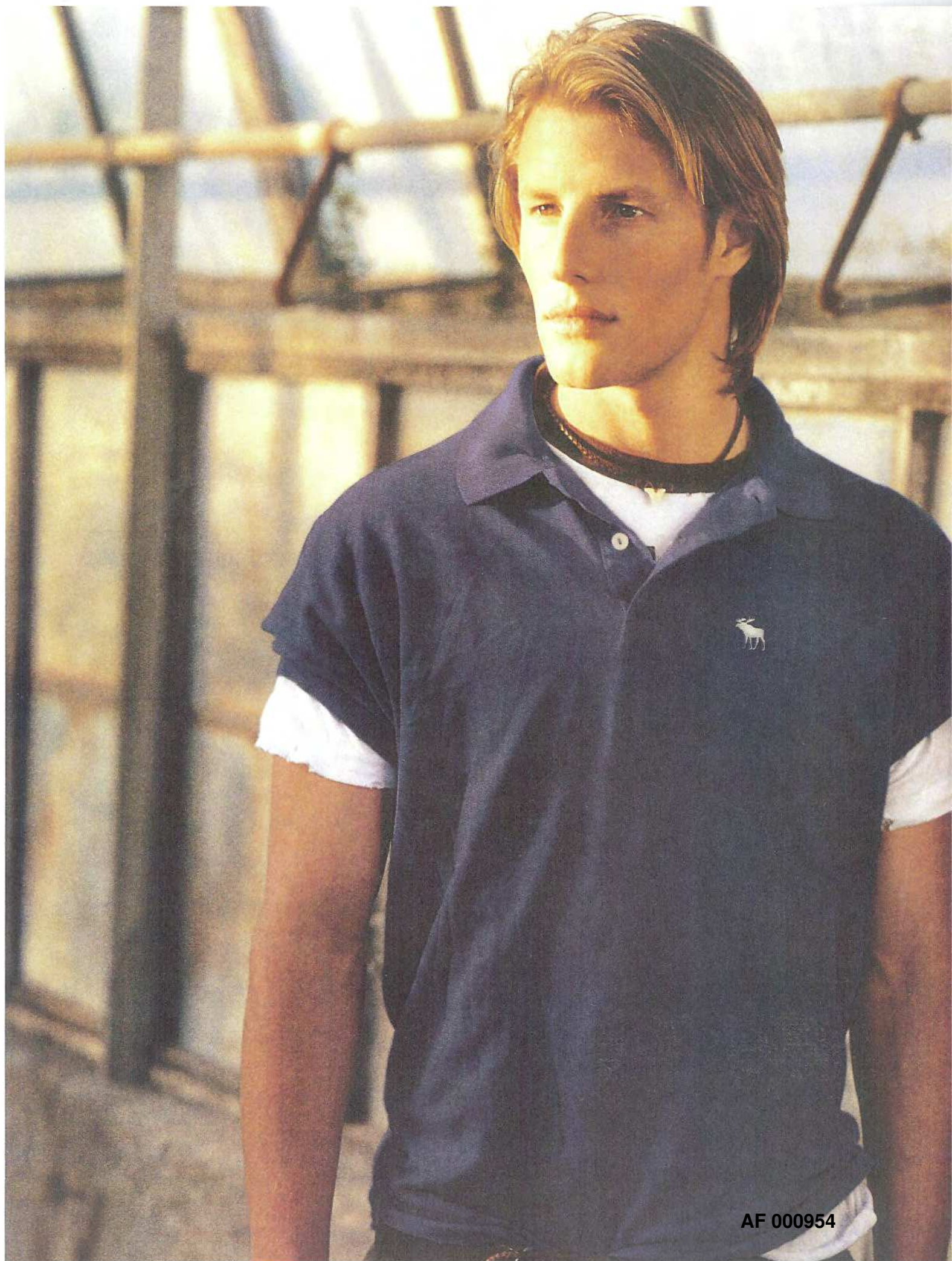
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BACK TO SCHOOL 2003



Abercrombie & Fitch

AF 000953



AF 000954



NADINE PIQUE POLO



E



F



G



H



I

NADINE PIQUE POLO 5294 E Yellow F Orange G Pink H Red I Burgundy. 100% cotton,
 Vintage Abercrombie Wash, Boy Fit, Women's XS, S, M, L, Imported, \$24.50
 To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 000959

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AF 000960

CHRISTMAS 2003

Abercrombie
& Fitch

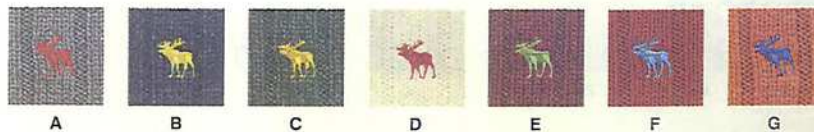
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AF 000963



OSGOOD RIVER V-NECK SWEATER



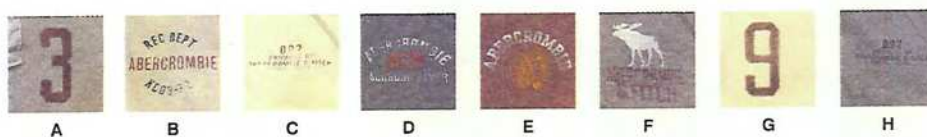
OSGOOD RIVER V-NECK SWEATER 5198 A Dark Grey B Navy C Dark Green D Cream E Burgundy F Red G Orange.

55% cotton/45% acrylic, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$49.50

AF 000967



A&F VINTAGE HENLEYS



LAKE EATON HENLEY 5799 A Grey G Cream. 100% cotton, screenprint graphic, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$39.50

TAMARACK BAY HENLEY 5896 B Light Grey C Cream H Grey. 100% cotton, screenprint graphic, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$39.50

BOG RIVER HENLEY 5803 D Navy E Burgundy F Grey. 100% cotton, screenprint graphic,

Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$39.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 000971



A1



B1



A2



B2



C1



D1



C2



D2



E1



F1



E2



F2



G1



H1

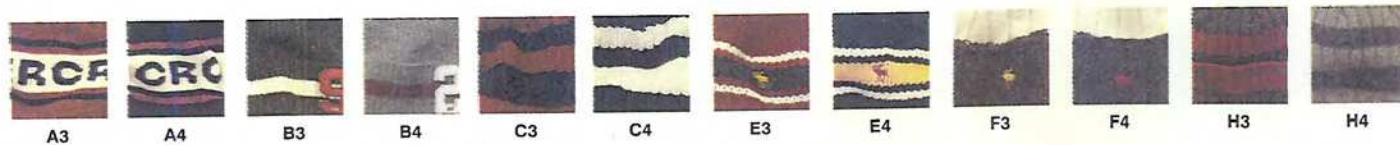


G2



H2

A&F KNT CAPS



A3

A4

B3

B4

C3

C4

E3

E4

F3

F4

H3

H4

55% wool/45% acrylic, Vintage Abercrombie Wash, one size, Imported, \$24.50

ABERCROMBIE 5906 A1 Brown A2 Grey A3 Red A4 Navy. **APPLIQUE NUMBER 5905** B1 Red B2 Navy B3 Brown B4 Grey (felt applique).

DOUBLE STRIPE 5903 C1 Brown C2 Grey C3 Red C4 Navy. **WIDE RIB MOOSE 5904** D1 Red D2 Navy D3 Brown (not shown) D4 Grey (not shown) (felt applique).

TRIPLE STRIPE 5902 E1 Brown E2 Grey E3 Red E4 Navy (embroidered moose). **WIDE STRIPE 5899** F1 Red F2 Navy F3 Brown F4 Grey (embroidered moose).

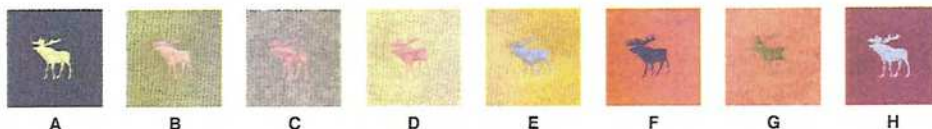
CHUNKY CUFFED 5900 G1 Brown G2 Grey G3 Red (not shown) G4 Navy (not shown). **MULTI STRIPED 5901** H1 Red H2 Navy H3 Brown H4 Grey.

AF 000974

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com



MADISON V-NECK SWEATER



MADISON V-NECK SWEATER 5700 A Navy B Green C Grey D Cream E Yellow F Orange G Pink H Red.
80% lambswool/20% nylon, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$49.50



CARTER PIQUE POLO

CARTER PIQUE POLO 5999 A Dark Burgundy B Dark Pink C Pink D Orange H Burgundy I Light Red J Light Pink K Light Orange O Dark Red P Red
Q Dark Yellow R Yellow. 100% cotton, embroidered moose, Vintage Abercrombie Wash, Classic Fit, Women's XS, S, M, L, Imported, \$29.50

AF 000992



PATRICIA WINTER MOOSE TEES

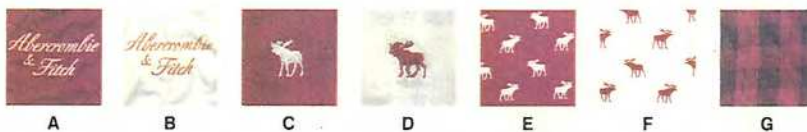
PATRICIA WINTER MOOSE TEES A White-6027 (glitter screenprint graphic) B Red-6140 (glitter screenprint graphic) C Yellow-6141 (screenprint graphic with rhinestones)

D Green-6139 (screenprint graphic on front and heat transfer "7" on back) E Navy-6138 (heat transfer graphic on front and heat transfer "4" on back).

100% cotton, Vintage Abercrombie Wash, Fitted, Women's S, M, L, XL, Imported, \$24.50



WOMEN'S SLEEP



ALLYSON SLEEP CAMI 5725 A Red B White. 60% cotton/40% modal, embroidered moose, screenprint graphic, Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$19.50

ALLYSON SLEEP SHORT 5724 C Red D White. 60% cotton/40% modal, embroidered moose, Vintage Abercrombie Wash, Low Rise, Women's XS, S, M, L, Imported, \$15.50

WINTER MOOSE SLEEP PANT 5722 E Red F White. 100% cotton, Vintage Abercrombie Wash, Low Rise, Women's XS, S, M, L, Imported, \$29.50

PLAID SLEEP PANT 5721 G Red. 100% cotton, Vintage Abercrombie Wash, Low Rise, Women's XS, S, M, L, Imported, \$29.50



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AF 001001



SPRING BREAK 2004

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AF 001034

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

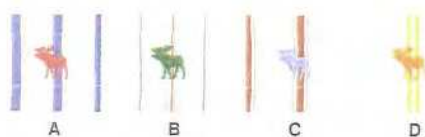
Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

**Wilson Affidavit
Exhibit 20
Part 2 of 4**



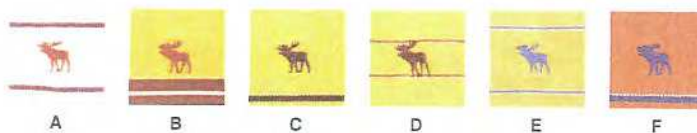
BRANDY BROOK STRIPED SHIRT



BRANDY BROOK STRIPED SHIRT 6270 A Blue B Light Blue C Red D Yellow. 100% cotton, embroidered moose,
Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$59.50



A&F VINTAGE POLOS



REDFIELD JERSEY POLO 6344 A White (shown) E Yellow. 100% cotton, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$39.50

CASCADES TRAIL POLO 6346 B Yellow (shown). 100% cotton, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$39.50

DEBAR TRAIL STRIPED POLO 6347 C Yellow F Orange (shown). 100% cotton, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$39.50

HAYSTACK JERSEY POLO 6345 D Yellow. 100% cotton, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, Imported, \$39.50



VENECIA OFF SHOULDER TEE



A



B



C



D

VENECIA OFF SHOULDER TEE 6570 A Navy B Green C White D Red. 100% cotton, embroidered moose.
Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$24.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com



A&F BASEBALL CAPS

100% cotton, Vintage Abercrombie Wash, Classic Fit, one size, Imported, \$24.50

ABERCROMBIE MOOSE 6439 A Navy O Yellow. ABERCROMBIE TRACK 6203 B Blue F Green. COLLEGIATE A 6437 C Green L White.

ABERCROMBIE 7 6436 D White M Navy. A&F BASEBALL 6441 E Red G Stone. ABERCROMBIE SCRIPT 6434 H Yellow N Stone.

ABERCROMBIE AND FITCH 6435 I Navy. AF BASEBALL 6440 J Blue K Red.

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AF 001054



A



B



C



D



E



F



G



H



I



J

A&F INTIMATES

LOGO BOY BRIEF 6191 A Navy. 96% cotton/4% spandex, embroidered moose, Low Rise, Women's XS, S, M, L, Imported, \$12.50

ABERCROMBIE BOYFRIEND BRIEF 6196 B Green. 96% cotton/4% spandex, screenprint graphic on back, moose patch on front, Low Rise, Women's XS, S, M, L, Imported, \$12.50

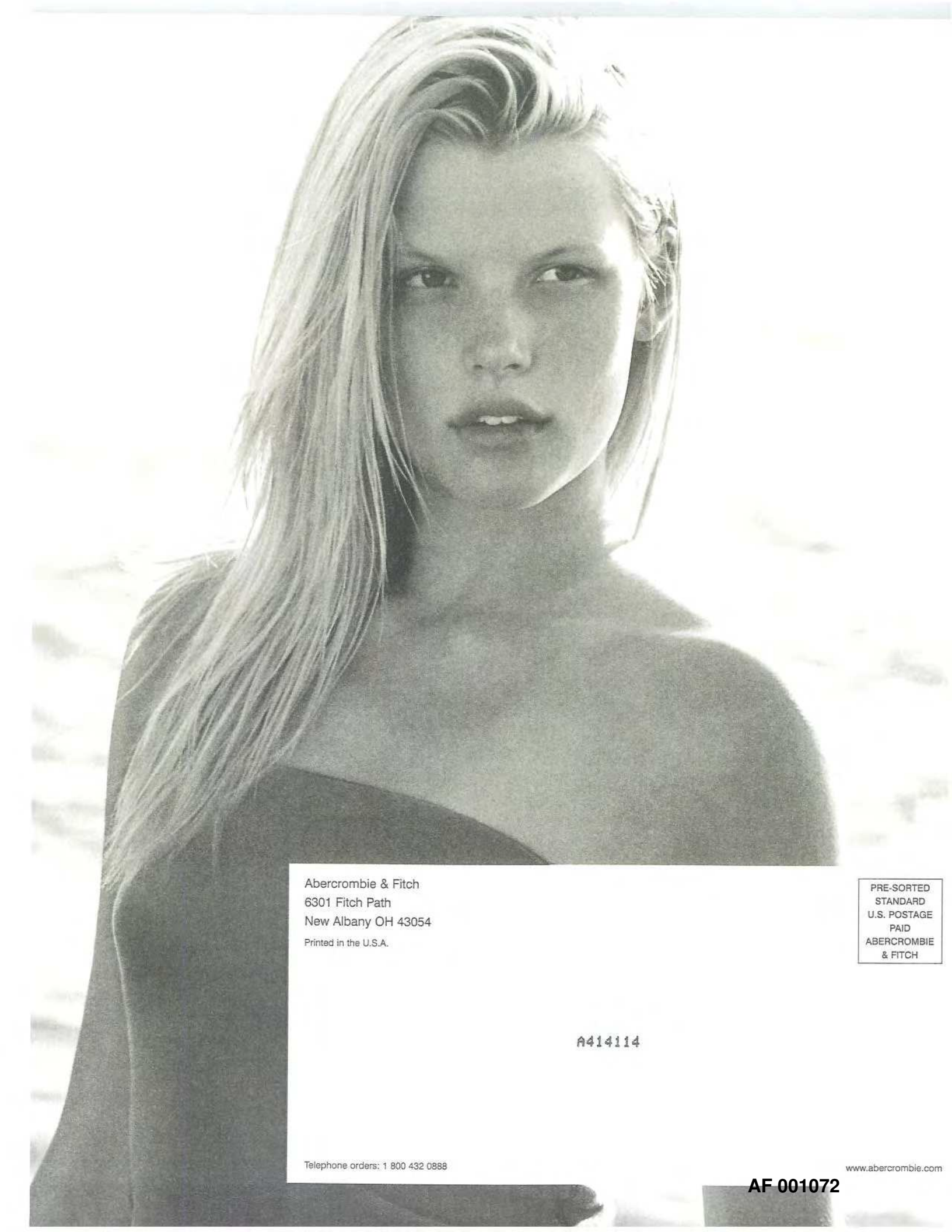
SOLID LOGO BIKINI 6186 C Navy E Light Green. 96% cotton/4% spandex, Low Rise, Women's XS, S, M, L, Imported, \$9.50

TENNIS STRIPE LOGO BIKINI 6187 D Navy K Light Green (not shown). 96% cotton/4% spandex, tennis patch on back, Low Rise, Women's XS, S, M, L, Imported, \$9.50

POLKA DOT RUFFLED BIKINI 6188 F Light Green L White/Blue (not shown). 96% cotton/4% spandex, Low Rise, Women's XS, S, M, L, Imported, \$9.50

PIQUE LOGO THONG 6192 G White H Navy I Dark Green J Light Green M Blue (not shown). 94% cotton/6% spandex, embroidered moose, Low Rise, Women's XS, S, M, L, Imported, \$9.50

Any 3 A&F Bikinis or Thongs for \$19.50



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AF 001073

Abercrombie & Fitch **BACK TO SCHOOL 2004**



CURTIS POND POLO AND DEER POND STRIPED POLO

CURTIS POND POLO (bottom row) 7056 H Dark Green I Green J Olive K White L Yellow M Orange N Red. 100% cotton, embroidered moose, Vintage Abercrombie Wash, Classic Fit, S, M, L, XL, XXL, Imported, \$39.50

DEER POND STRIPED POLO (bottom row) 7055 D Green/Light Blue E Blue/Yellow F Orange/Burgundy. 100% cotton, embroidered moose, Vintage Abercrombie Wash, Classic Fit, S, M, L, XL, XXL, Imported, \$39.50

To order call 1 800 432 0888, or check out more gear at www.abercrombie.com. For international orders call 1 614 219 5380.

AF 001082



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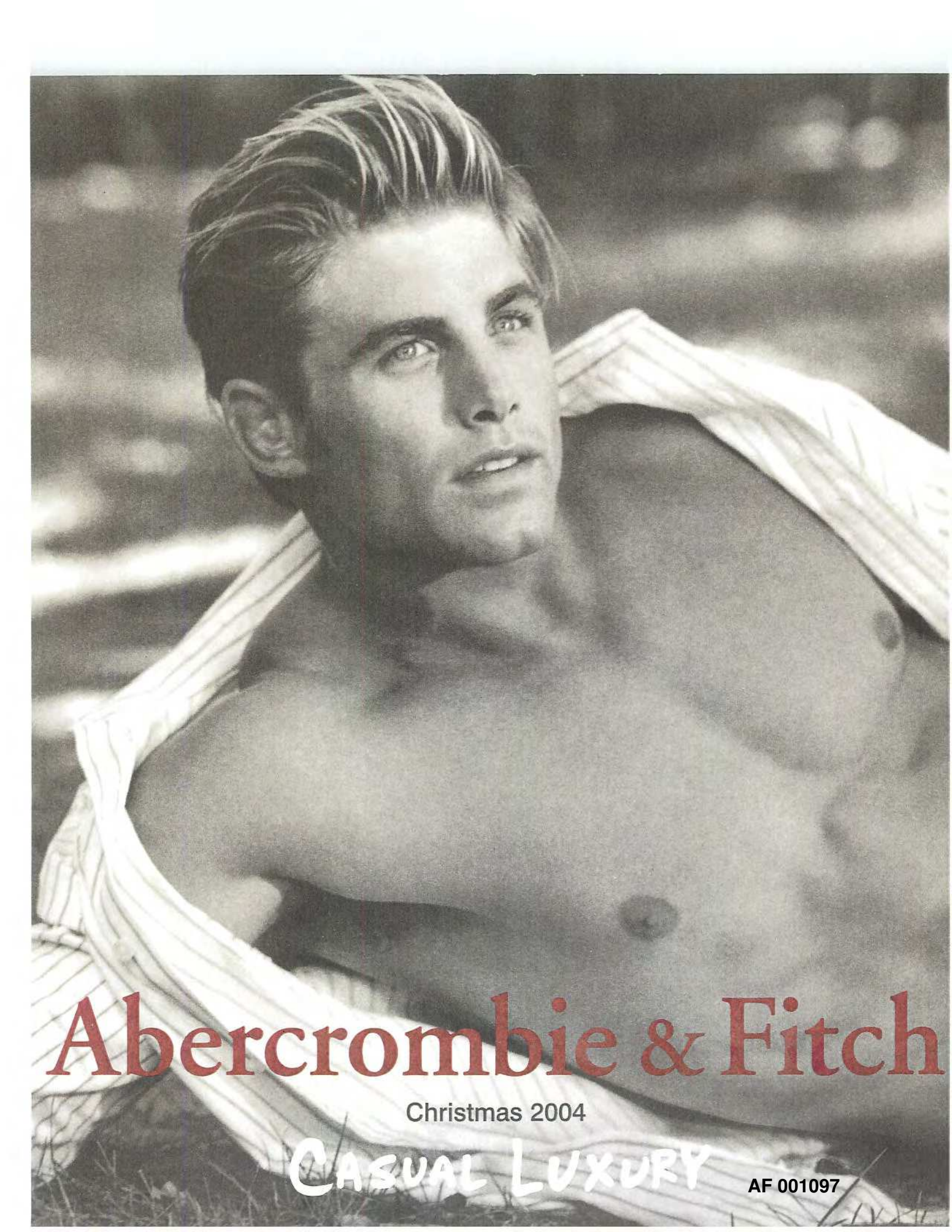
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AF 001096



Abercrombie & Fitch

Christmas 2004

CASUAL LUXURY

AF 001097



Christmas 2004

CASUAL LUXURY



A



B



C



D



E



F



G



H

CATAMOUNT JERSEY 7809 A Red B Burgundy C Yellow D Cream E Grey F Brown G Green H Navy. Supersoft 100% sueded cotton, embroidered moose, Vintage Abercrombie Wash, Classic Fit, S, M, L, XL, XXL, Imported, \$29.50





Christmas 2004

CASUAL LUXURY



A



B

LAKE PLACID SKI JACKET 6446 A Navy B Grey. Supersoft 100% nylon, 50% acetate/50% nylon sleeve lining, 100% down filler, embroidered patch, Classic Fit, S, M, L, XL, Imported, \$129.00



Christmas 2004

CASUAL LUXURY

RYLIE LACE BOY TANK 8129 A Burgundy C Dark Pink D Pink F White G Green J Blue. **Supersoft** 100% cotton (exclusive of trim), embroidered moose, shelf bra, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$24.50

NATALIE LACE LAYERING CAMI 8130 B Burgundy E Pink H Green I Navy K White (not shown). **Supersoft** 96% cotton/4% spandex (exclusive of trim), embroidered moose, shelf bra, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$24.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001123



Christmas 2004

CASUAL LUXURY

SELENA TRACK JACKET 7921 D White. 85% polyester/15% cotton, embroidery.

Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$59.50

JESSICA TRACK JACKET 7922 E Pink F Burgundy. 85% polyester/15% cotton, embroidered patch.

Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$59.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001134



Christmas 2004

CASUAL LUXURY



A



B



C

We pushed every limit to create the finest embellished fleece using exclusive A&F specifications. To make it absolutely original, we built-in the best multilayered appliques, subtle wash discolorations, and unique embroidered details on every garment in our handcrafted vintage fleece line.

TASHA HEAVYWEIGHT FLEECE A White/Red-8451 (felt applique and embroidery) B Cream-8450 (embroidery) C Oatmeal-8452 (twill/felt applique).

Supersoft 72% cotton/28% polyester, Vintage Abercrombie Wash, Fitted, Women's S, M, L, XL, Imported, \$49.50



Christmas 2004

CASUAL LUXURY

A&F KNIT CAPS A Red Snowflake-8418 B Cream Cable-8421 C Brown Moose-8420 D Red Cable-8421 E Pink Cable-8421. Supersoft 60% viscose/15% cotton/15% nylon/5% cashmere/5% angora (A, C), Supersoft 60% wool/21% nylon/19% angora (B, D, E), Vintage Abercrombie Wash, One Size, Imported, \$24.50

A&F VINTAGE SCARVES A Red Moose-8137 B Cream-8467 C Red Reversible Moose-8133 D Cream Pointelle-8135 E Brown-8136 F Red Reversible Snowflake-8134 G Pink-8468 H Red Stripe-8172. Supersoft 60% wool/21% nylon/19% angora (A), Supersoft 70% angora/30% nylon (B), Supersoft 60% viscose/15% cotton/15% nylon/5% cashmere/5% angora (C, D, E, G, H), Supersoft 45% nylon/40% viscose/15% angora (F) Vintage Abercrombie Wash, One Size, Imported, \$39.50

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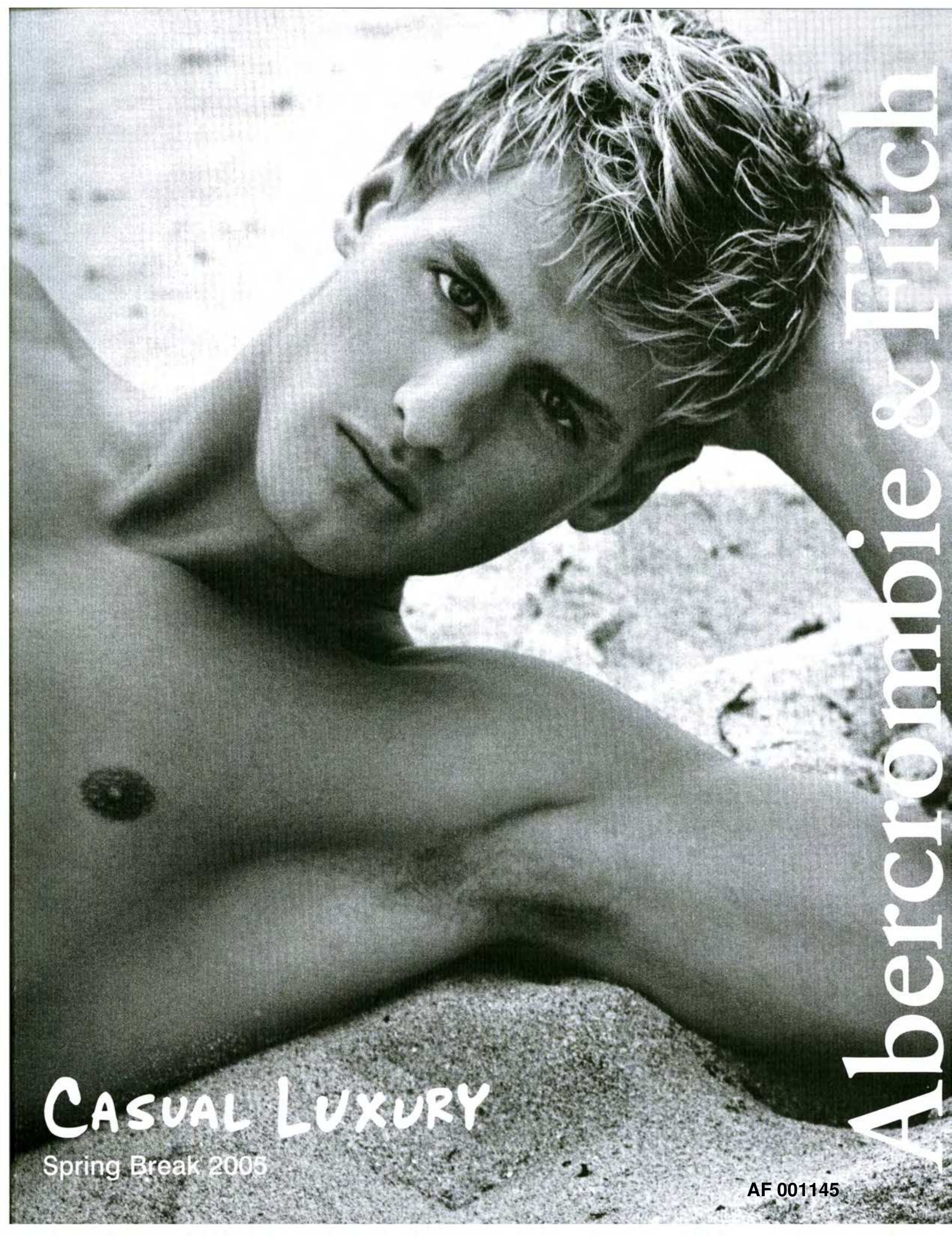
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AF 001144



Abercrombie & Fitch

CASUAL LUXURY

Spring Break 2005

AF 001145



CASUAL LUXURY



A



B



C



D



E

CHAMPLAIN VALLEY POLO 10899 A Navy B Blue C Light Blue D Green E Light Green. 100% cotton pique, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$39.50



CASUAL LUXURY



100% cotton, embroidered moose, grosgrain interior neck tape, Vintage Abercrombie Wash, Muscle Fit

WAKELY MOUNTAIN STRIPED SHIRT 10975 H Multi Stripe J Check K Light Blue N White Stripe.

Straight collar (H, N), S, M, L, XL, XXL, Imported, \$59.50 (J, K), \$69.50 (H, N)

TUPPER LAKE OXFORD 10962 I White. Interior embroidery details, S, M, L, Imported, \$69.50

WEDGE BROOK FLORAL SHIRT 11212 L Floral. Screenprint, straight collar, S, M, L, XL, XXL, Imported, \$59.50

AUSABLE CHASM STRIPED SHIRT 11213 M White Stripe. Screenprint, S, M, L, XL, XXL, Imported, \$49.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001154



CASUAL LUXURY



A



B



C



D



E



F



G



H

WENDY POLO 10590 A White C Purple D Navy F Blue G Light Blue. 98% cotton/2% spandex, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$39.50

TRISTEN PIPED POLO 10547 B Brown E Blue H Light Green. 98% cotton/2% spandex, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$39.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com



CASUAL LUXURY



A



B



C

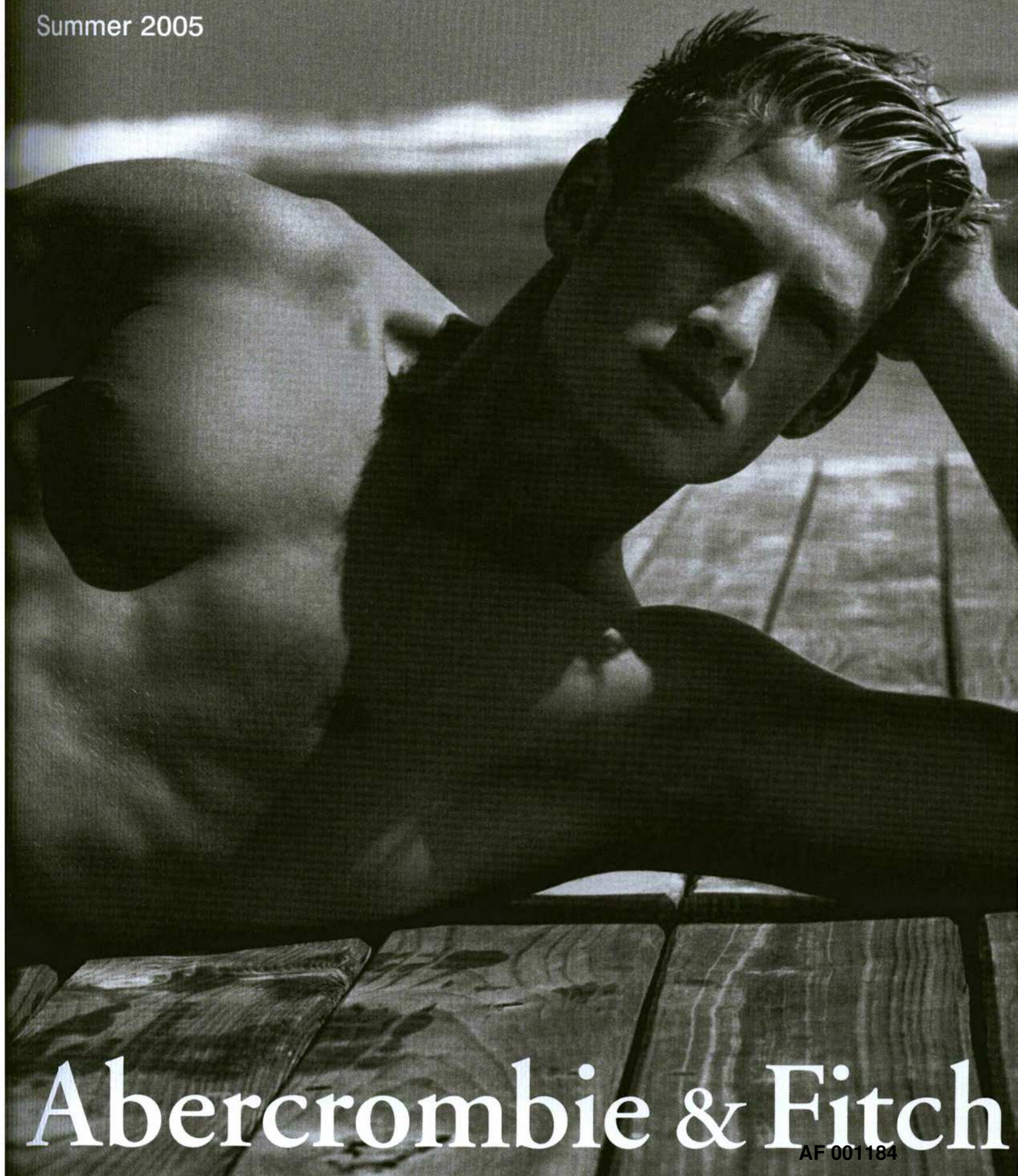


D

NICOLE V-NECK SWEATER 11217 A White B Navy C Blue D Green. 100% cotton, embroidered moose,
Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$39.50

CASUAL LUXURY

Summer 2005



Abercrombie & Fitch

AF 001184



AF 001185



CASUAL LUXURY



D



E



F

EMMONS SUMMIT STRIPED POLO 11650 D Light Grey E White/Brown F Brown. 100% cotton pique, interior velvet trim, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$39.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001187

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

**Wilson Affidavit
Exhibit 20
Part 3 of 4**



CASUAL LUXURY

HUNTERS PASS HERITAGE MOOSE TEE 11627 C Brown D Navy. Supersoft 100% cotton, inside out tee, screenprint, embroidery, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$34.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001203



CASUAL LUXURY



A



B



C



D

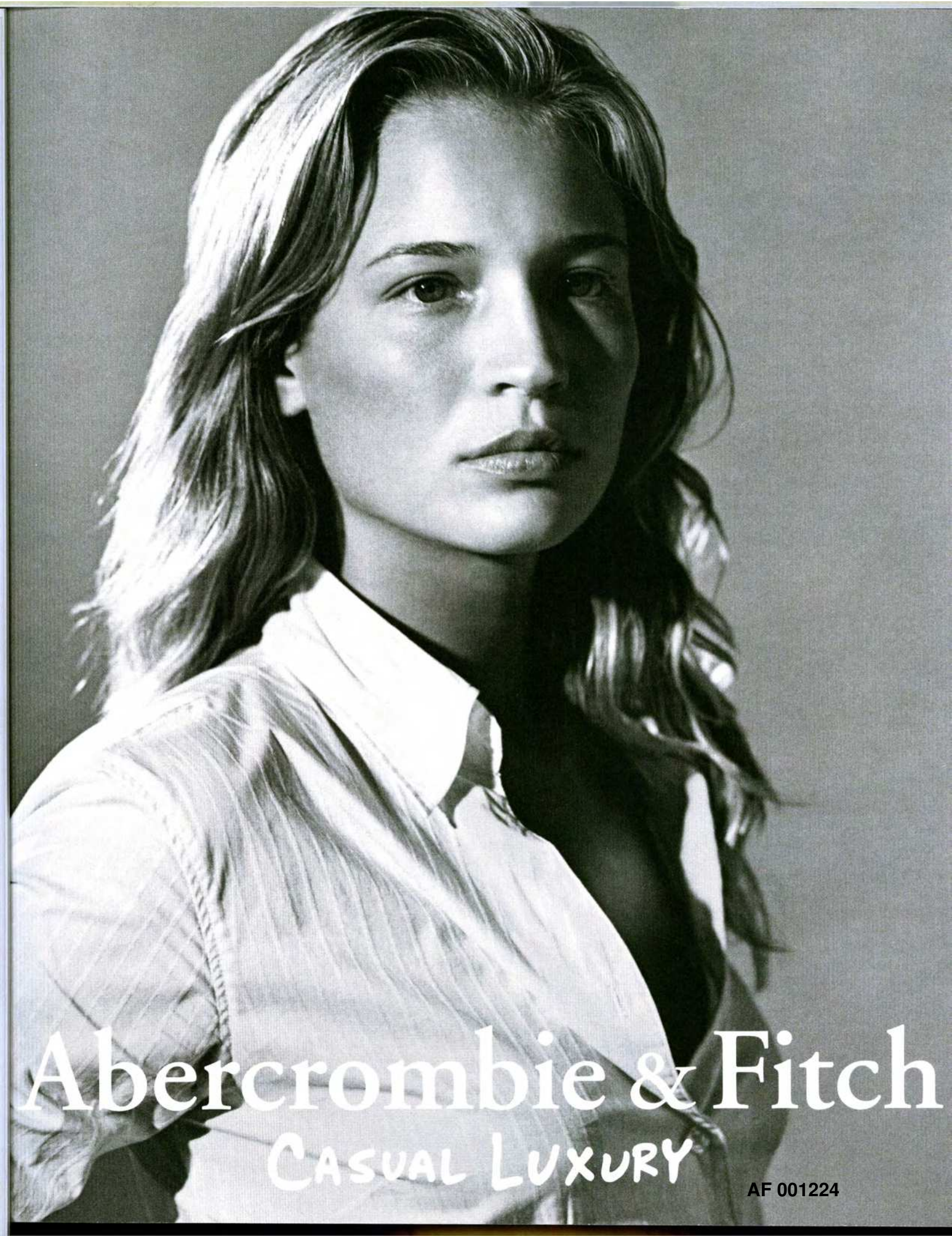


E

JENNA RIBBED HENLEY 11519 A White B Blue C Navy D Green E Dark Pink. Supersoft 60% cotton/40% polyester, garment dyed, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$24.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001208



Abercrombie & Fitch

CASUAL LUXURY

AF 001224

Abercrombie & Fitch BACK TO SCHOOL 2005



CASUAL LUXURY



A



B



C



D



E

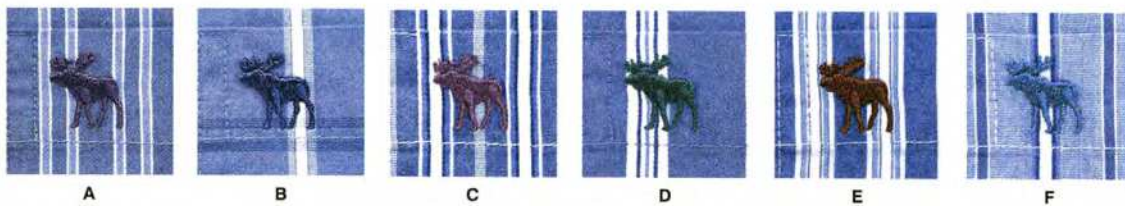


F

TESSA 11832 A White B Grey C Blue D Navy E Green F Burgundy. Supersoft 60% cotton/40% polyester, embroidered moose, satin neck taping, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$19.50

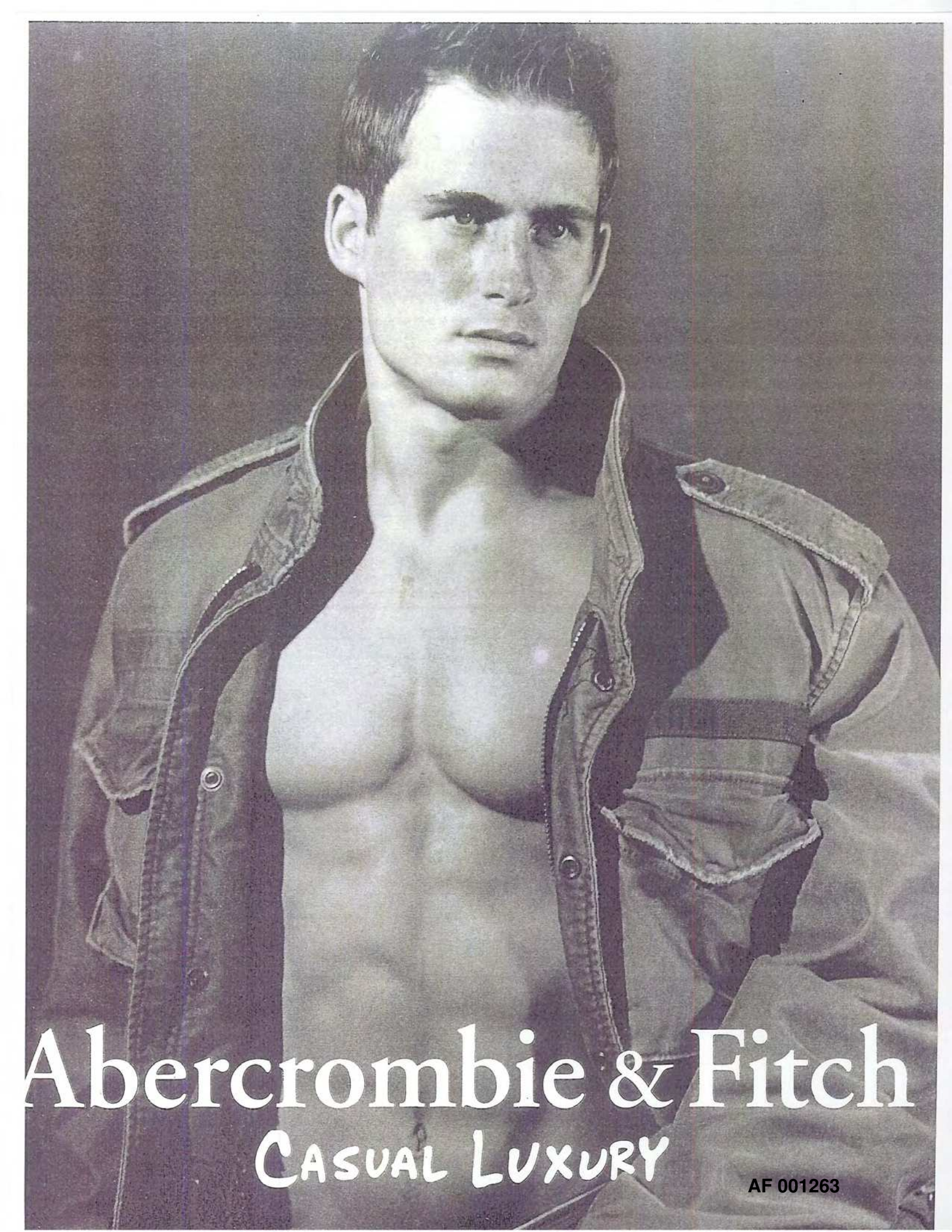


CASUAL LUXURY



HOFFMAN MOUNTAIN 11907 A Dark Blue B Blue Check C Blue D Even Stripe E Bold Stripe. Supersoft 100% cotton, straight collar, embroidered moose, embroidered "Abercrombie & Fitch" under back neck collar, grosgrain tape detail, collar stays, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

OTTER HOLLOW 11856 F Light Blue. Supersoft 100% cotton, straight collar, embroidered moose, embroidered "Abercrombie & Fitch" under back neck collar, grosgrain tape detail, collar stays, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

A male model with short dark hair and a serious expression is shown from the chest up. He is shirtless, wearing an open, olive-green military-style jacket with visible buttons and straps. The background is a dark, textured grey.

Abercrombie & Fitch

CASUAL LUXURY

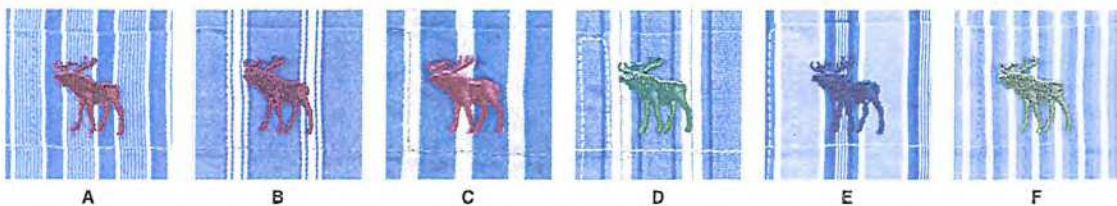
AF 001263

Abercrombie & Fitch CHRISTMAS 2005

AF 001264



CASUAL LUXURY



HOFFMAN MOUNTAIN A Deep Blue-11907 B Dark Blue-11907 C Pin Stripe-11907. Supersoft 100% cotton, embroidered moose, embroidered "Abercrombie & Fitch" under back neck collar, straight collar, collar stays, interior grosgrain trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

OTTER HOLLOW D Even Stripe-11856 E Multi Stripe-11856 F Light Blue-11856. Supersoft 100% cotton, embroidered moose, embroidered "Abercrombie & Fitch" under back neck collar, straight collar, collar stays, interior grosgrain trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

AF 001267



CASUAL LUXURY



G



H



I



J



K

OTTER HOLLOW G Wide Stripe-11856. Supersoft 100% cotton, embroidered moose, embroidered "Abercrombie & Fitch" under back neck collar, straight collar, collar stays, interior grosgrain trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

ROLLINS POND H Even Stripe-12481 **I** Pin Stripe-12489 **J** White Stripe-11855 **K** White-11744. Supersoft 100% cotton, embroidered moose, embroidered "Abercrombie & Fitch" under back neck collar, straight collar, collar stays, interior grosgrain trim detail

Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

AF 001268

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com



CASUAL LUXURY



A



B



C



D

LATHAM POND 12183 A Brown B Burgundy C Red D Orange. 100% cotton pique, embroidered moose, interior velvet trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$59.50

AF 001269



CASUAL LUXURY



E



F



G



H



I

LATHAM POND 12183 E Grey F White G Navy H Blue I Green. 100% cotton pique, embroidered moose, interior velvet trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$59.50

AF 001270

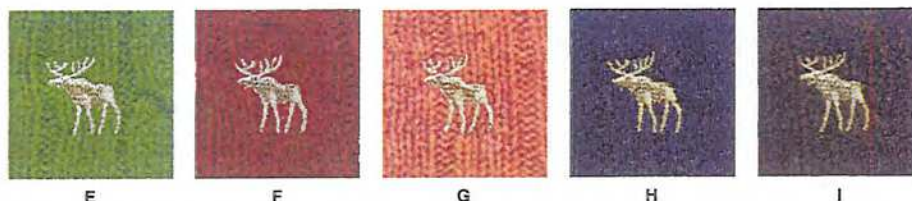


A&F NEW FACE
JORDAN RICHARDSON

AF 001280



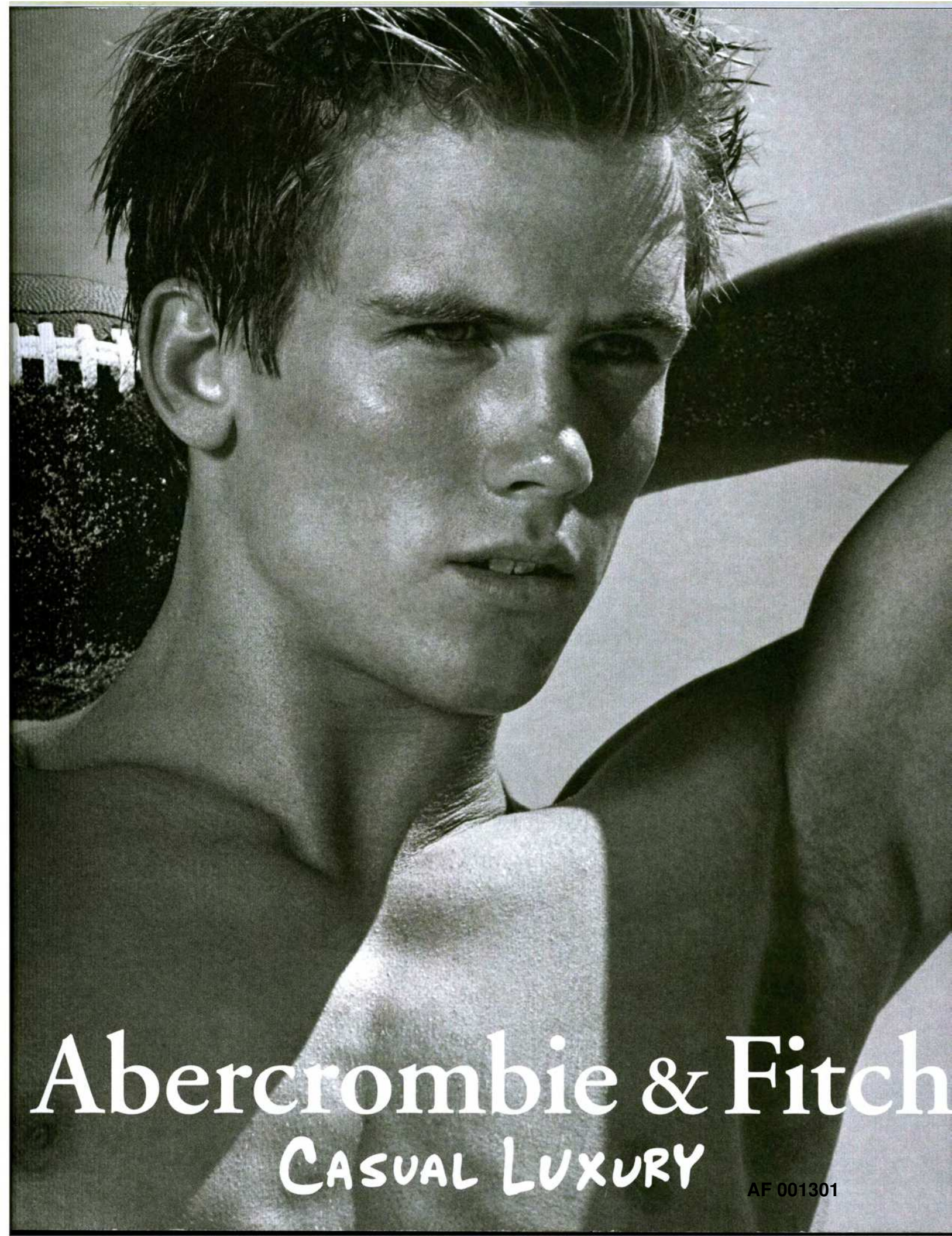
CASUAL LUXURY



LISA 12219 E Green F Burgundy G Pink H Navy I Brown. Supersoft 70% wool/20% nylon/10% cashmere, metallic embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$59.50

AF 001285

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com



Abercrombie & Fitch

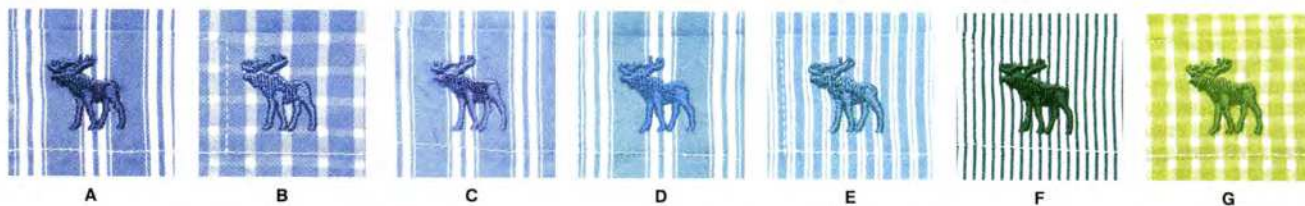
CASUAL LUXURY

AF 001301

Abercrombie & Fitch SPRING BREAK 2006



CASUAL LUXURY



SIMMONS POND 11854 A Dark Blue B Blue Check C Blue D Light Blue E Light Blue Stripe F White/Green G Light Green Check.

Supersoft 100% cotton, embroidered moose, straight collar, collar stays, interior grosgrain trim detail,

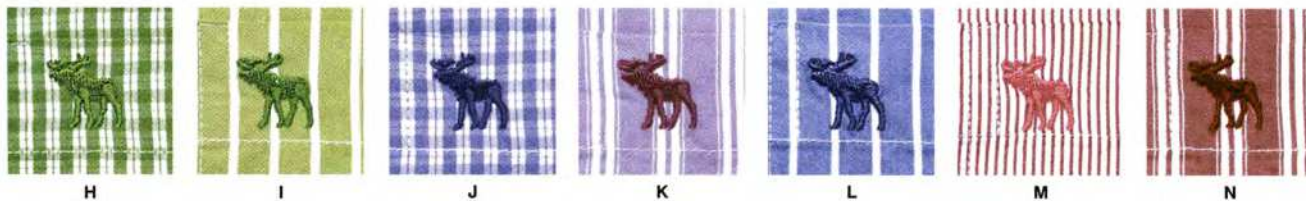
Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001306



CASUAL LUXURY



SIMMONS POND 11854 H Green Check I Green J Purple Check K Light Purple L Purple M White/Red N Red.

Supersoft 100% cotton, embroidered moose, straight collar, collar stays, interior grosgrain trim detail,

Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001307



AF 001308



CASUAL LUXURY



A



B



C

GLASBY POND A Brown-12838 B Dark Brown-12838. Supersoft 100% sueded cotton, interior cotton tape trim detail, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$49.50

DEER BROOK C Brown-10073. 100% cotton pique, interior velvet trim detail, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$49.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com



AF 001321



CASUAL LUXURY



A



B



C



D



E



F



G



H

BETSY 12728 A Grey B Navy C Light Blue D Blue E White F Pink G Dark Pink H Brown. Supersoft 100% cotton, raw hem details, gathered neckline, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$19.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF 001328



CASUAL LUXURY



A



B



C



D



E



F



G



H

MARGOT 12796 A Dark Grey B Navy C Light Blue D Blue E White F Pink G Dark Pink H Brown. Supersoft 100% cotton, metal snap closures, cotton twill placket, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$24.50

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*


Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

**Wilson Affidavit
Exhibit 20
Part 4 of 4**



AF 001331



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AF 001339



Abercrombie & Fitch

CASUAL LUXURY

AF 001340

Abbeville & Finch SUMMER 2006



AF 001346



AF 001350



CASUAL LUXURY



A



B



C



D

DEER BROOK A Dark Burgundy-10073 C Red-10073 D Light Red-10073. 100% cotton pique, embroidered moose, interior velvet trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$49.50

BLAKE MOUNTAIN DESTROYED B Burgundy-12986. 100% cotton pique, subtle hand destroyed details for an aged look and feel, interior pique trim detail, embroidered moose, Destroyed Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$49.50



CASUAL LUXURY



E



F



G



H



I

DEER BROOK E Orange-12104 G Pink-10073 H Light Pink-10073 I White-10073. 100% cotton pique, embroidered moose, interior velvet trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$49.50

BLAKE MOUNTAIN DESTROYED F Orange-12986. 100% cotton pique, subtle hand destroyed details for an aged look and feel, interior pique trim detail, embroidered moose, Destroyed Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$49.50

Get it at 1 800 432 0888 or www.abercrombie.com

AF 001359



CASUAL LUXURY



A



B



C



D



E



F



G

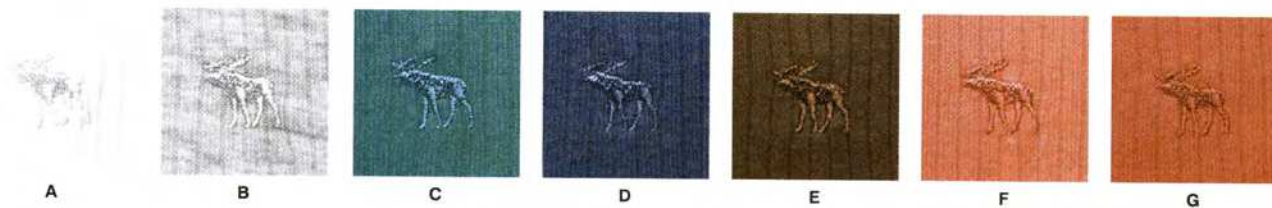


H

VALERIE 12961 A White B Grey C Teal D Blue E Navy F Brown G Pink H Dark Pink. Supersoft 100% cotton, shelf bra, picot stitching detail, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$19.50



CASUAL LUXURY



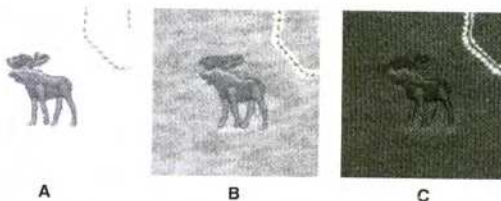
DANA 13851 A White B Grey C Teal D Navy E Brown F Pink G Red. Supersoft 60% cotton/40% polyester, lace placket, cotton twill interior trim details, metal buttons, embroidered moose, Vintage Abercrombie Wash, Fitted, Women's XS, S, M, L, Imported, \$24.50

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AF 001373



CASUAL LUXURY



CASSANDRA 13883 A White B Grey C Dark Brown. Supersoft 100% cotton, embroidery, deconstructed details on waistband, curved hem, Vintage Abercrombie Wash, Low Rise Fit, Women's XS, S, M, L, Imported, \$24.50

Get it at 1 800 432 0888 or www.abercrombie.com

AF 001378



CASUAL LUXURY



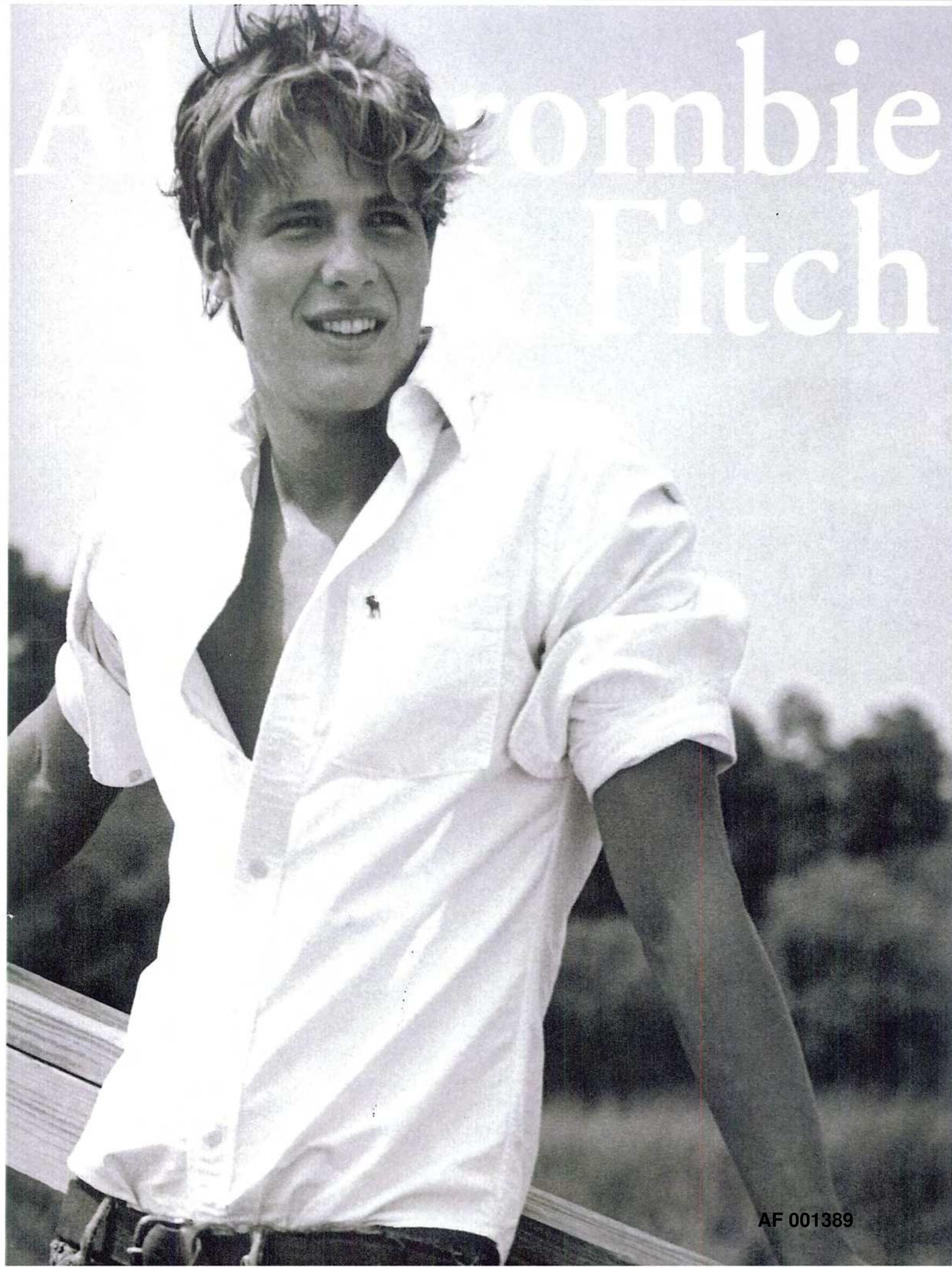
A



B

ADRIANA 14151 A Grey B White. Supersoft 100% cotton, twill tape tie, embroidered moose,
Vintage Abercrombie Wash, Shrunken Fit, Women's XS, S, M, L, Imported, \$49.50

Arrombie Fitch

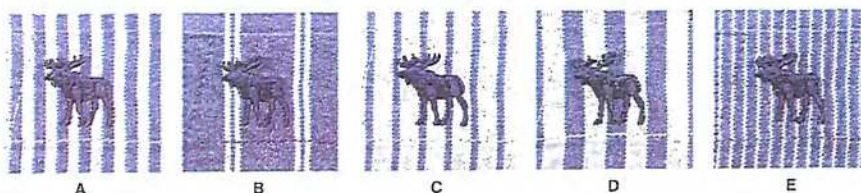


AF 001389

...and ... BACK TO SCHOOL 2006



CASUAL LUXURY



BULL POINT OXFORD 14454 A Even Stripe B Navy Stripe C White Stripe D Bold Stripe E Thin Stripe. 100% cotton, classic pinpoint oxford fabric, button down collar, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$69.50



CASUAL LUXURY

A&F LEATHER TREAD 14498 (shown in pairs) A Light Brown B Medium Brown C Dark Brown. 100% leather upper, 100% leather footbed, EVA midsole, rubber sole, contoured footbed, embossed moose, S, M, L, XL, Imported, \$49.50



CASUAL LUXURY



D



E



F

MACOMB MOUNTAIN 14376 D Dark Grey E Blue F Navy. 100% cotton pique, rugged dry hand fabric, interior herringbone and velvet trim detail, embroidered moose, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$49.50

Get it at 1 800 432 0888 or www.abercrombie.com

AF 001407 41



CASUAL LUXURY



A



B



C



D



E

HUDSON GORGE 14447 A Grey B White C Navy D Olive E Red. Supersoft 100% sueded cotton, waffle body, embroidered moose, interior twill trim detail, Vintage Abercrombie Wash, Muscle Fit, S, M, L, XL, XXL, Imported, \$39.50



CASUAL LUXURY



A



B



C



D



E



F

AMBER LOW RISE 14445 A Brown B Grey C Navy. Supersoft 100% cotton, 100% cotton tape belt, 21 wale cord, poplin trim detail, embroidered moose, embroidered "Abercrombie" on back, supercrop just below the knee, Vintage Abercrombie Wash, Low Rise Slim, Women's 00-10, Imported, \$59.50

REGAN LOW RISE 14475 D Khaki E Stone F Navy. Supersoft 100% cotton, interior velvet trim detail, flap back pocket, embroidered moose, supercrop just below the knee, Vintage Abercrombie Wash, Low Rise Slim, Women's 00-10, Imported, \$49.50

Get it at 1 800 432 0888 or www.abercrombie.com

AF 001416 63



CASUAL LUXURY



A



B



C

BROOKE 14428 A White B Dark Grey C Navy. 100% nylon shell, 100% nylon interior lining with down fill, removeable hood, embroidered moose, Fitted, Women's S, M, L, Imported, \$118.00



CASUAL LUXURY



A



B




C



D

HEIDI 14462 A Blue B Green C Red D Orange. Supersoft 100% cotton, interior grosgrain and velvet trim detail, embroidered moose, Vintage Abercrombie Wash, Shrunken Fit, Women's XS, S, M, L, Imported, \$39.50



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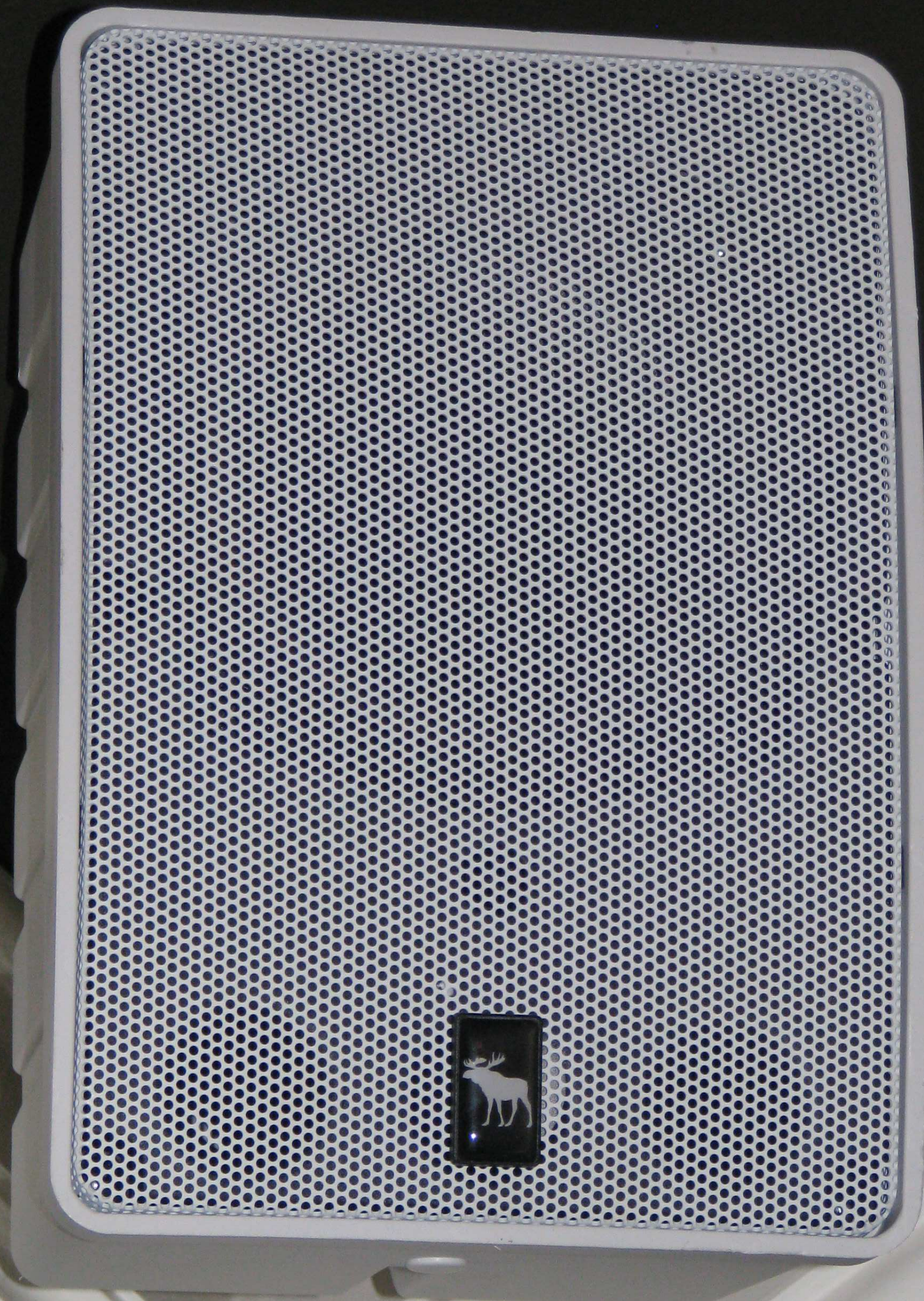
AF 001449

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 21



*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
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**Wilson Affidavit
Exhibit 22
Part 1 of 2**

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FOR HIM MAGAZINE JULY 2004

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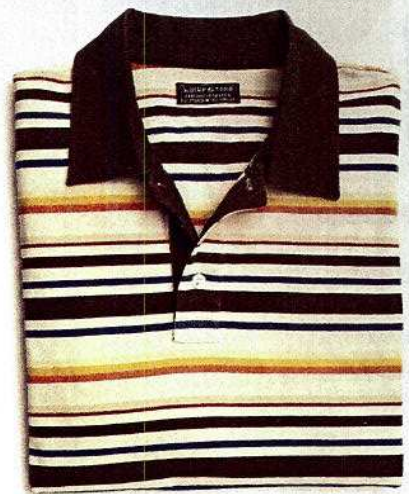
AF 002118



SEVEN 2, \$32



ABERCROMBIE & FITCH, \$40



LUCKY, \$42



LACOSTE, \$85



DIESEL, \$89



AJX ARMANI EXCHANGE, \$38



UNION BAY, \$38

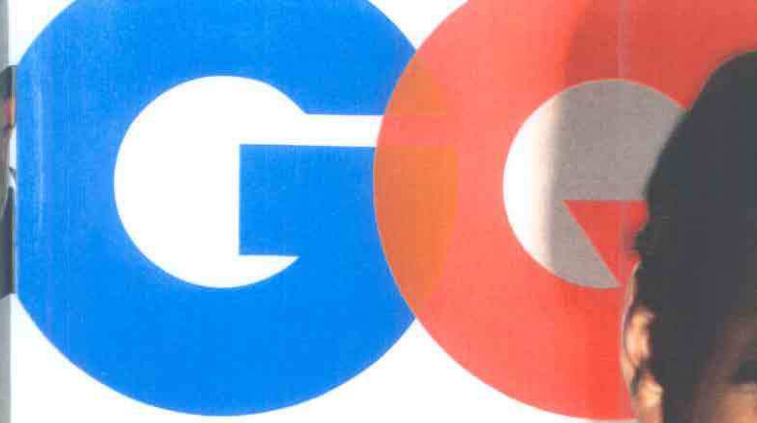


CK JEANS, \$50



BEN SHERMAN, \$49

AF 002119



LOOK SHARP//LIVE SMART

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DRESSED
REBEL**

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COOLEST
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AF 002125



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SHIRT, \$175, BY BURBERRY LONDON. TIE, \$40, BY DKNY.

281
60
NOVEMBER
84



\$425

NAUTICA TWEED SUIT

SHIRT, \$100, BY GANT. TIE, \$40, BY ABERCROMBIE & FITCH.
WHERE TO BUY IT? SEE PAGE 297.

STYLIST: BETTINA BUDEWIG

MAY

teenVOGUE

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make yours
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mean girls online

e-mail gets evil

CHAD & ELISHA

the *House of Wax* stars on true love

teenVOGUE

MAY 2005

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AF 002134

HEART BEAT

ELISHA AND HER
FIANCÉ, TRACE AYALA,
PLAYING DONKEY
KONGA AT A NINTENDO
FUSION TOUR
PARTY IN HOLLYWOOD.

“I’m not girly-
girl when
it comes to
the wedding.
Hopefully
it will be wild.”

JUICIEST CELEB BREAKS, GIGS, HOT NEWS, AND MORE

JANE

FREE FANCY WATCH, PAGE 84

JANUARY

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OUR SPY TEAM HAS UNLEASHED
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KIRSTEN, JAKE, PHARRELL

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HAIRCOLOR'S ON PAGE 68**

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AND HANDBAGS.
ENOUGH SAID.**

LINDSAY LOHAN

"I'M NOT SOME
YOUNG ALCOHOLIC,"
SHE SAYS. OH, WELL,
YOU *WILL* RELATE
TO HER BOYFRIEND
PROBLEMS

**ANTHONY KIEDIS'S
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CR LOT 0251DR-005



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*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
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**Wilson Affidavit
Exhibit 22
Part 2 of 2**

JANE

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AF 002129



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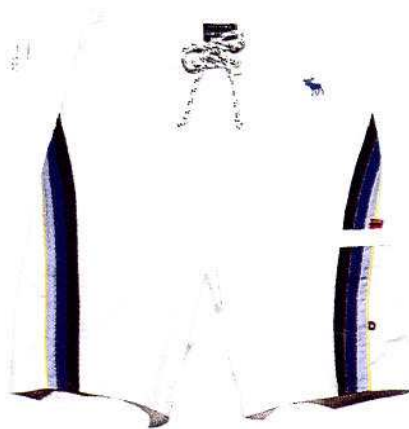
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521





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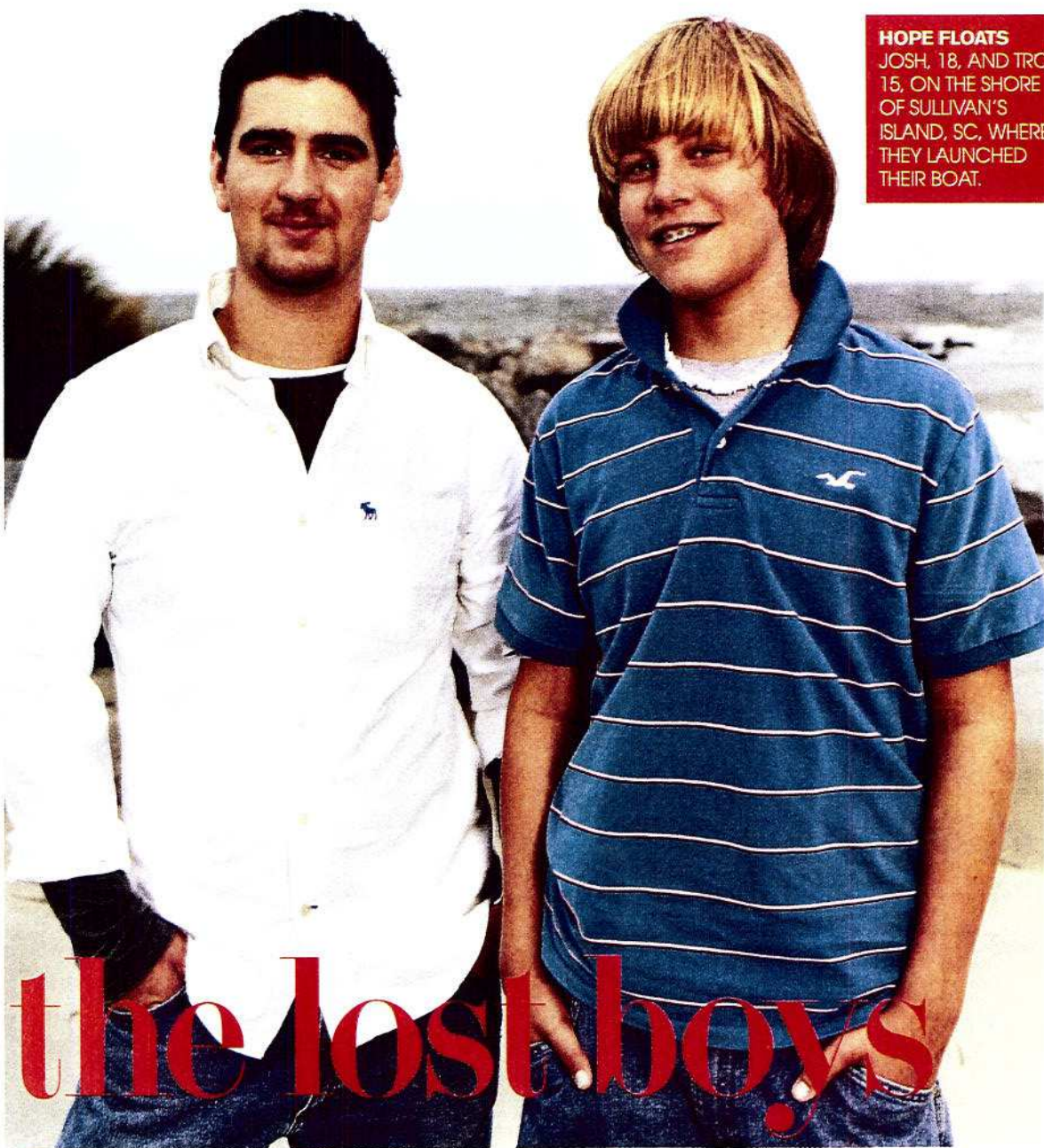
teenVOGUE

SEPTEMBER 2005

215

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AF 002142



HOPE FLOATS
JOSH, 18, AND TROY,
15, ON THE SHORE
OF SULLIVAN'S
ISLAND, SC, WHERE
THEY LAUNCHED
THEIR BOAT.

the lost boys

This past April, Troy Driscoll and Josh Long's casual fishing trip turned into a six-day struggle to survive:

I've always loved being in the water. My good friend Josh and I would fish from the shore on the coast of South Carolina, but we always wanted to do it from a boat. We eventually got our own fifteen-foot sailboat from Josh's uncle. It didn't have a sail or an engine, just paddles. It needed some work,

so we spent a few weeks fixing it up. We even gave it a name: *Under Construction*, which we spray-painted on the side.

The morning after the boat was done, we decided to launch it off of Sullivan's Island, which is about twelve miles from where we both live. It was the first time we were going out on the water by ourselves. Over breakfast, we teased Josh's mom, saying we might drift away. But we were just playing ➤

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- ◆ **CUT FAT**
(IN DAYS)
- ◆ **RIP YOUR ABS**
(ASAP!)



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MEN'S FITNESS APRIL 2006 THE 20 FITTEST FOODS OFFICIAL HOOK-UP HANDBOOK WEAK-POINT TRAINING SUMMER-SPORTS TRAINING GUIDE

POLO MATCH



► For shopping information, see page 134.

Some say polos are back. Others say they never went out of style. Whichever side you fall on, make sure the polos you don this spring and summer are as bold and colorful as possible.

Polo by Ralph
Lauren, \$65



Abercrombie &
Fitch, \$50



Original
Penguin,
\$49



Le Tigre, \$48

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 23

Hiding in plain sight

How a suspected Rwandan mass killer was found living in Romeoville

MAGAZINE

Chicago Tribune Magazine



Sunday

BEST CARS OF 2005

Jim Mateja's picks

TRANSPORTATION SECTION 12



ARTS & ENTERTAINMENT WEEKLY SECTION 7

Chicago Tribune

FINAL

\$1.79 City & Suburbs; \$2 Elsewhere

159TH YEAR — NO. 177 9 CHICAGO TRIBUNE

SUNDAY, JUNE 26, 2005

CHICAGO

Genes: Your body's crystal ball

Genetic science is racing ahead toward a day when doctors will be able to predict what diseases you're susceptible to. But do you really want to know?

By Ronald Kotulak
Tribune science reporter

Doctors can now take a few of your cells, pull out the DNA, stretch it across a screen and diagnose more than 1,000 genetic defects that could mean trouble, ranging from rare disorders to more common ones like heart disease and cancer.

Surprising even the experts,

genetic testing is racing ahead faster than doctors, genetic counselors and others can keep pace. Driven by scientists eager to claim the prize of predicting diseases before they happen and in turn may have passed on to their children?

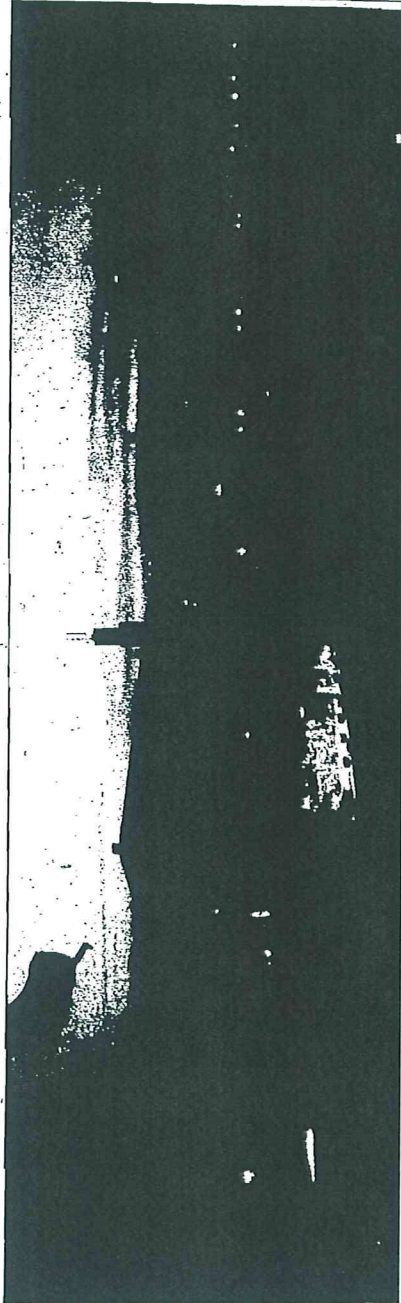
And everybody has them. Geneticists estimate that each person may have more than 30 genes that make them susceptible to a variety of disorders. A person's risk of developing a

specific disease depends on which genetic combination he or she possesses in conjunction with environmental stressors arising from lifestyle choices or chemical exposure.

"Knowledge is a good thing when you can use it productively," said Dr. Wylie Burke, chief of medical history and ethics at

PLEASE SEE GENES, PAGE 20

CHICAGO, WHEN IT SIZZLES



2 to watch for vacancy have much in common
Judges are friends and may be rivals for Supreme Court seat

By Jan Crawford Greenburg
Washington Bureau

WASHINGTON—When Mike Luttrell stood up as a groomsman in John Roberts' wedding here nine years ago, more than a few people could have predicted

[STYLE]

Basts of the breast

Some never slept. Some recently hatched. And some beasts are roaring back to the left breast after years of hibernation.

The preppy revival has unleashed a stampede of animal insignias on men's polo shirts, not to mention button-downs, jackets, hats, belts, shorts and shoes.

For guys not given to overt fashion statements, these creatures don't just leave trendy tracks. They speak—or roar or whinny or purr—for the man within.

Case in point: Polo Ralph Lauren's pony instantly evokes the aspirations of the men who wear it as well

as the man behind it. The son of a house painter, born in the Bronx as Ralph Lifshitz, Ralph Lauren not only redefined himself but also the markings of good breeding and taste, marketing them as something one could acquire with effort and enjoy with ease. That very American notion might explain why the pony never rode into the sunset, even in the slacker years.

But while some of these logos are pure preppy, some of the newer ones poke fun.

Herewith, a logo decoder, to help you choose your mascot wisely.

—Wendy Donahue

Tribune photos by Chris Walker ■ Stylist: Kristi Pianti



BRAND	Lacoste	Original Penguin by Munsingwear	Le Tigre	American Eagle Outfitters	Abercrombie & Fitch	Kid Robot	Modern Amusement
LOGO	Crocodile, representing the nickname of the icon's founder, an athlete with an appetite for risk.	Squatty arctic bird with an open stance.	A tiger bounding forward playfully.	An eagle, signifying a high-spirited lifestyle.	A moose, representing the brand's big-game origins, dating to 1892.	A rabbitlike creature with a cigarette in its mouth, an antithesis of preppy propriety.	A crow, whose dark nature offsets the brand's whimsical palette.
LORE	In 1923, tennis star Rene Lacoste of France wagered an alligator suitcase on the outcome of his Davis Cup match in Boston. He lost, but his manager quipped that he fought like the reptile. In France, alligator mutated to crocodile, and when Lacoste decided to manufacture a tennis shirt in 1933, guess what it sported? The company says the croc on the left breast was the world's first external logo.	In 1955, salesmen for Munsingwear stumbled upon a penguin in a New York taxidermist shop and flew it to their next meeting in Los Angeles. A mascot was born. Emblematic of its unlikely coolness, Penguin's first celebrity endorsers in the 1950s were Bob Hope and Bing Crosby, who accepted the shirts for their golf classics and starred in Penguin TV ads.	From its inception in 1977, Le Tigre was irreverently conceived as the American alternative to France's reptile.	Formerly a purveyor of outdoor gear, AE has risen as the friendly, relaxed alternative to the haughty Abercrombie & Fitch, challenging it for the affections of the cool 15- to 25-year-old set.	More than a century old, A&F has evolved from outfitting elite outdoorsmen for safaris (Ernest Hemingway and Teddy Roosevelt, for two) to outfitting high school and college students hunting for other game.	The Smokin' polos are just one product from Kid Robot, a company that started online in 2002 as part of the curious "urban vinyl toy" scene, embraced by artistically discerning adults and centered in Hong Kong.	Born on the beach in Southern California, Modern Amusement is only about a decade old and approaches its designs with a witty twist. On polos, that means hook-and-eye closures instead of buttons on plackets.



Le Tigre red and blue track jacket, \$76 at Nordstrom, 520 N. Michigan Ave., 312-464-1515.



Kid Robot limited-edition polo shirt, \$75 at Barneys New York, 25 E. Oak St., 312-587-1700.

HIP FACTOR

Blending its sporting heritage with its sexy ethos, Lacoste recently signed a five-year partnership with 22-year-old tennis hottie Andy Roddick. A line of denim launches in July.

After a dormant period, the egg-shaped icon warmed hipster hearts to become a hot seller in Barneys New York and Fred Segal stores. A denim line debuted this spring with no logo, in line with the brand's insider appeal.

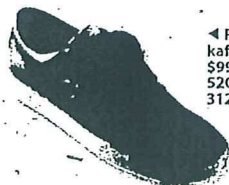
Less exposed than some of our other featured creatures, Le Tigre rebounded last year after a long nap. Mischa Barton and co-stars have worn the tiger on "The O.C."

American Eagle aligned itself this spring with the Black Eyed Peas, previewing the band's album in stores.

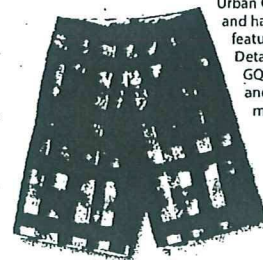
Controversy has rustled around the brand for the past decade: in the '90s, for provocative catalogs, then for T-shirts bearing ethnic caricatures, then for accusations of discriminatory hiring practices. Seemingly chastened, A&F sales associates have notably dropped the too-cool-to-serve-you attitude. Sales are up.

Sold in Barneys New York, this is the secret-code polo shirt of urbanites in the know.

It has won coveted space at the cradle-of-fashion store Fred Segal in Los Angeles, as well as Urban Outfitters, and has been featured in Details, Cargo, GQ, Giant and Esquire magazines.



Penguin Peng Loui kaffee leather sneaker, \$99.95 at Nordstrom, 520 N. Michigan Ave., 312-464-1515.



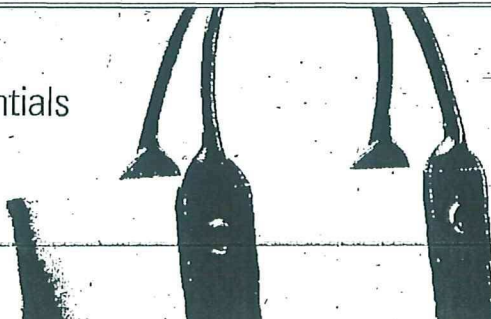
Modern Amusement weekend plaid shorts, \$72 at Nordstrom, 520 N. Michigan Ave.

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AF 002140

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Wilson Affidavit Exhibit 24

August 16, 2007

DRESS CODES

This Summer, a Bumper Crop of Collars

By DAVID COLMAN

A FASHION watcher might look back on the last decade and, in summation, tick off names like Hedi Slimane and Nicolas Ghesquiere and trends like the skinny suit. But even someone who claims not to follow fashion would have to have noticed how one look came to rule summertime men's wear.

That is, a vintage-look T-shirt bearing the imprimatur of some old-school brand, sincere (John Deere) or not (Mr. Bubble). Like as not, it was made of tissue-thin cotton, to suggest 1,000 washings. Paired with olive-drab cargo shorts and perhaps a trucker cap, the uniform, spotted everywhere on guys from 15 to 45, was a factor in the runaway success of stores like Abercrombie & Fitch and American Eagle.

Lately, though, the look has gone through one washing too many, for at long last it is wearing thin. The polo shirt, for many years the good-guy older brother to the hottie in the tee, has been sweeping up style cred. Likewise, a new pair of shorts is gaining ground on those cargos: plaid.

If this sounds like a "Revenge of the Nerds" clothing collection, the look has more going for it than its obvious Richie Cunningham appeal. Chad Gilbert, a guitarist for the pop-punk band New Found Glory, finds nothing nerdy in his love of the polo. "Back in the day, in England, a lot of punk rockers and skinheads used to wear Ben Sherman polo shirts," he said. "Aside from that, and the way they fit, I like that I can play shows in them, or just hang out. It fits for all scenarios."

Now brands like Ben Sherman, long embraced in the British music and club scene, are catching on with the cool kids in this country. Sales of Ben Sherman signature polo shirts have doubled in the United States in the last year, said Adam Singer, the company's vice president for merchandising. Sales of its plaid and checked shorts have tripled.

At Lacoste, with the pre-eminent polo shirt with the familiar crocodile and much higher sales figures, sales are up 30 percent over last year, according to Robert Siegel, the chief executive of Lacoste USA. More than a dozen design houses have brought out polo shirts of late, and the

various logos — Abercrombie's moose, Marc Jacobs's rat, Etro's winged horse — put a bewildering array of tiny animals over fashionable hearts.

"It's definitely time to put on a polo shirt," said Michael Macko, the men's fashion director of Saks Fifth Avenue. "There are so many T-shirts with ironic sayings and retro graphics, and it's kind of played out. The cool guys are getting dressed up again, and instead of a T-shirt, it's a polo. You can wear it with shorts, and you can wear it with a sport coat and jeans. It really makes a dressed-down look."

The polo-and-plaid also recalls the last time the look had a moment: the prep-mad early 1980s. No wonder Ray-Ban Wayfarers and Sperry Top-Siders have made comebacks this summer as well. Or that polo shirt partisans have taken to wearing two (collars up, of course).

Still, men's wear habits die hard. Men will be relieved to find that cargo shorts look a little better paired with a polo. And you would be surprised what a pair of plaid shorts can do for that old T-shirt. They can't make it look brand-new, but after all those washings, you'd be awfully mad if they did.

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Wilson Affidavit Exhibit 25

The Washington Post

DISTRICT & MARYLAND EDITION \$1.50

SUNDAY, AUGUST 6, 2006

Weather
Today: Mostly sunny.
High 90, Low 73.
Monday: Thunderstorms.
Humid. High 91, Low 73.
Details: C12

12TH YEAR No. 244 R DC MD

U.S., France Agree To Cease-Fire Plan For Lebanon

Security Council to Discuss Terms Today

By COLUM LYNCH and ROBIN WAIGHT
Washington Post Staff Writers

UNITED NATIONS, Aug. 5 — The United States and France reached agreement Saturday on a draft Security Council resolution calling for "full cessation of hostilities" between Israel and Hezbollah and outlining initial steps to end their 25-day conflict.

Senior Lebanese and Hezbollah officials immediately challenged the terms, and U.N. and European officials said major changes would almost certainly be needed before it is put to a vote this week.

The first of two anticipated resolutions calls for the fighting to stop in place — for Hezbollah to end all attacks and Israel to halt offensive operations — but it does not call for Israeli troops to withdraw from Lebanon for now. The proposal calls for immediate humanitarian aid for Lebanon and for the beefing up of the 2,000-strong U.N. force already there to ensure that no new arms are smuggled into the country, a provision aimed at containing the Shiite militia.

The joint resolution, which followed days of intense diplomacy, lays out ideas for an eventual permanent cease-fire that would include the withdrawal of Hezbollah and Israeli combatants from a buffer zone between Israel's northern border and Lebanon's Litani River; the dismantling of Hezbollah; and the deployment of an international stabilization force in Lebanon. The new force, likely to be headed by France and to include at least 10,000 troops from various nations, would not be authorized until Lebanon and Israel have agreed to a formal cease-fire.

The terms would be formalized

See LEBANON, A17, Col. 1

The Day in Lebanon and Israel

Across northern Israel, veteran pilots drafted back into service join a team using crop-dusters to battle blazes caused by the barrage of Hezbollah rockets. A15

Only a Scrimmage?



At the end of the Washington Redskins' scrimmage against the Baltimore Ravens, some of the more than 47,000 spectators seek autographs. Story, E1.

PRINCE GEORGE'S COUNTY EXECUTIVE AIDS FRIENDS

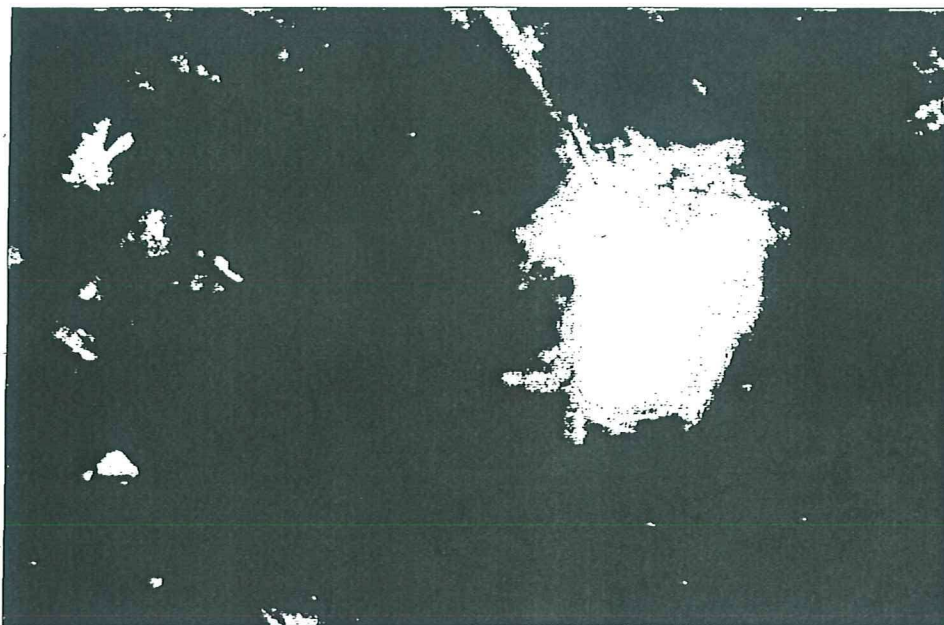
Jack Johnson has awarded contracts and jobs worth millions of dollars to his supporters. He

Lieberman Loss Could Be a Party Watched

What does it mean to be . . . ?

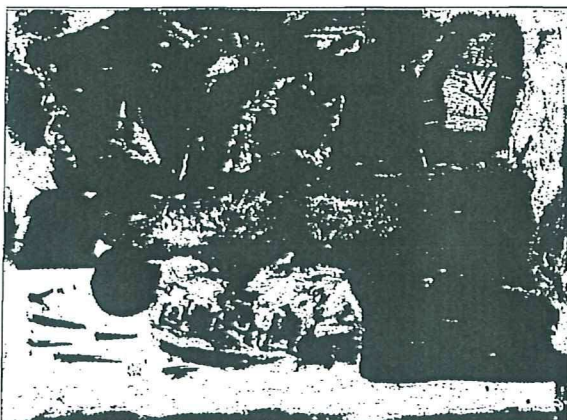
Earlier this summer, KidsPost asked for visual responses to the question "What does it mean to be [insert your age]?" That call yielded a range of artwork from kids ages 9 to 12 — from sunny scenes and flowers to school lockers and moody abstract works, created with markers, crayons and computers. Here's a selection.

Paul Kirk-Davidoff, 10, Columbia
Photograph. Artist's note: "Overflowing with a big fat nothing." ▶



Amalia Harte, 12, Herndon

Marker on paper. The artist's note describes a 12-year-old's blue-shirted torso flanked by clothing-store names and symbols (the moose is Abercrombie & Fitch; the butterfly, Aeropostale); a mountain-like purple "A" that signifies school; and a soccer ball and a basketball that represent sports.



Arielle Reotutar, 9, Silver Spring
Mixed media. Rubber stamp collage with acrylic paint, oil pastels, paper. ◀

For more art work, go to
www.washingtonpost.com/sundayarts/kidsart

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—New York Times
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Special Guest: The Roots

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Anthony Kearns, Karl Scully, and Finbar Wright
Their soaring voices bring traditional Irish songs and contemporary classics to life.
Fri., Aug. 11 at 8 pm

Peter, Paul & Mary
Sat., Aug. 12 at 8 pm
LAWN ONLY

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Four Islands Recital
with guest Steven Blier
Wolf Trap Opera Company
Songs from Cuba, Ireland, Madagascar, and Manhattan!
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Eddie From Ohio
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Wolf Trap Opera Company
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The quintessential romantic comedy!
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Chris Isaak
Special Guest: Anna Nalick
Sun., Aug. 20 at 8 pm

Lyle Lovett and his Large Band
Tues., Aug. 22 at 8 pm

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AE 002152

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About this Spot: Cory Monteith wears Abercrombie & Fitch Deer Brook Polo [\[Edit\]](#)



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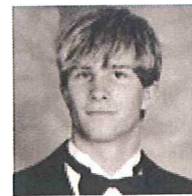
About

The basic style that Abercrombie & Fitch offers as Men's polo, priced at \$4

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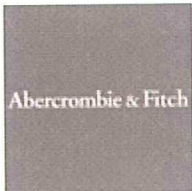
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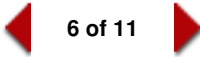


Character: **Elliot**
Episode: 8015
Airdate: Feb 2, 2006



Will & Grace - Elliot - Abercrombie & Fitch Polo Shirt

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Product Description: 100% cotton pique, moose embroidery, velvet neck taping, reinforced side gussets, Vintage Abercrombie Wash, Muscle Fit, Imported

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Abercrombie & Fitch Ryan Shorts

(Created by Dudeee)



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About

98% cotton/2% spandex, Supersoft, subtle color loss, moose embroidery, Vintage Abercrombie Wash, Classic Fit, Imported

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Actress

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VICTORIA BECKHAM BLOG



FOOTBALL LEGEND, FASHION ICONS, FASHION DESIGNER

WEDNESDAY, 19 NOVEMBER 2008

In David's Closet - Abercrombie & Fitch Sweater



Those of you wanting to know where David Beckham's sweater is from in the last set of pictures, it is of course from Abercrombie & Fitch.

But I guess you already guessed that from the very distinctive moose emblem.

You can buy his sweater for £80 from Abercrombie & Fitch.com.

Source

POSTED BY DVB AT 22:10 
LABELS: [IN DAVID'S CLOSET](#)

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RECENT COMMENTS

On Nov 19 enchantress commented on david beckham really likes his b ball: *"well at least she kept her hands to herself... which im sure took a lot of self-control. hahaa."*

On Nov 19 Dave commented on more pictures of david beckham at: *"Does anyone know what watch he is wearing? He appears to have taken it off in the last few pics."*

On Nov 19 kat commented on david beckham blogs_19: *"david is always so well poised in all the comments he makes and i think it really shows he is one..."*

On Nov 19 nisha commented on victoria beckham dines at beso: *"i think she looks stunning and she has lost i little weight i must admit but no way does she look..."*

On Nov 19 Melissa commented on victoria beckham attends allure: *"I think she looks great in these pics... I love her makeup and she's not too*

AF 001488

The Celeb life



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[Celeb Inspiration: Jessica Simpson loves Abercrombie and Fitch \(and gray sweatshirts\)..](#)

June 7, 2006

by Breezy @ 2:43 pm in [Inspiration](#)

When I think of Abercrombie and Fitch I almost always think about Jessica Simpson. She love to wear their clothes when she is dressing casually - especially their jeans, sweatshirts and polo tops. She is particularly drawn to gray sweatshirts, whether they are Abercrombie or not.

At last, a celeb look that is affordable.



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And Jessica in more gray sweatshirts...

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If you purchased Flexible Polyurethane Foam directly from any Flexible Polyurethane Foam manufacturer from January 1, 1999 through July 31, 2010, you could be a Class Member in six proposed class action settlements.

Prepared by GCG

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Jonathan Rhys
Meyers
Actor



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[Clothing and Tops](#) 05 Oct 2008 06:00 am by Susan

Ashley Tisdale in Abercrombie & Fitch



Ashley Tisdale was spotted heading back to a Santa Monica recording studio with her manager on September 26th wearing a men's shirt from Abercrombie & Fitch.

Big Horn Pass
\$70 at [abercrombie.com](http://www.abercrombie.com)



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Abercrombie & Fitch Big Horn Pass Shirt

(Created by Jane Doe)



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About

100% sueded cotton, moose embroidery, grosgrain interior neck taping, straight collar with collar stays, colored bottom button stitching, Vintage Abercrombie Wash, Muscle Fit, Imported

Photos



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Ashley Tisdale
Actress

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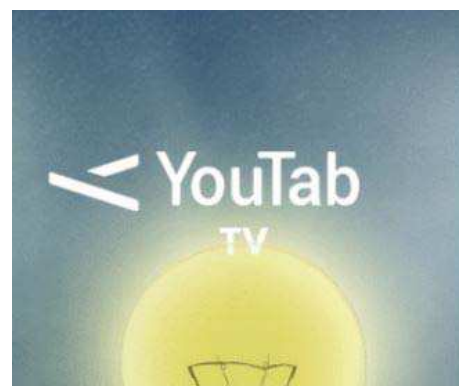
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Kimberley Garner
TV Personality



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AF 001482



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Ashley Greene and Toy Fox
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Boots

Ashley Greene and Dog
Walking

Joe Jonas and AllSaints

Ashley Greene and Ray-Ban
Original Wayfarer 2140
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Ashley Greene and Marlo

Toy Fox Terrier and Marlo

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Joe Jonas and Toy Fox Terrier

Ashley Greene and Putting
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*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 27

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Counsel for Defendant

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

)	Case No: CV-06 6245 AHM (SSx)
Abercrombie & Fitch Co. and)	
Abercrombie & Fitch Trading Co.,)	CONSENT
)	PERMANENT INJUNCTION
Plaintiffs,)	
)	
v.)	
)	
Moose Creek, Inc.,)	
)	
Defendant.)	
)	

1 WHEREAS:

2 (1) Plaintiffs Abercrombie & Fitch Co. and Abercrombie & Fitch Trading Co.
3 (hereinafter collectively, "A&F") filed a Complaint on September 29, 2006 and a First
4 Amended Complaint on June 26, 2007 against Defendant Moose Creek Inc.
5 ("Defendant") asserting claims for trademark infringement, unfair competition, false
6 designation of origin, unjust enrichment and breach of contract.

7 (2) This Court has jurisdiction of the subject matter and the parties under § 38
8 of the Federal Trademark Act, 15 U.S.C. § 1121, and the Judicial Code, 28 U.S.C. §§
9 1131, 1332, 1338 and 1367.

10 (3) A&F is the owner of a trademark consisting of a silhouette moose logo for
11 apparel (hereinafter "Silhouette Moose Mark") and U.S. Trademark Registration Nos.
12 3,065,016 and 3,220,225, and pending federal trademark Application Serial Nos.
13 78/743,432, 78/743,723, 78/979,398 and 78/977,689 of said mark, among others.

14 (4) The Silhouette Moose Mark and Registration Nos. 3,065,016 and
15 3,220,225 thereof are each valid, subsisting and enforceable as against Defendant.

16 (5) A&F is the owner of a trademark consisting of an outline moose logo for
17 apparel (hereinafter "Outline Moose Mark") and U.S. Trademark Registration No.
18 3,212,644, and a pending federal trademark Application Serial No. 78/746,284 of said
19 mark.

20 (6) The Outline Moose Mark and Registration No. 3,212,644 thereof are each
21 valid, subsisting and enforceable as against Defendant.

22 (7) A&F has the exclusive right to use the Silhouette Moose Mark and the
23 Outline Moose Mark in connection with apparel in the State of California and interstate
24 commerce.

25 (8) Defendant has used certain outline and solid moose designs on apparel that
26 A&F contends are likely to cause confusion with respect to the source or sponsorship of
27 the apparel sold under such designs.
28

1 (9) A trial was conducted before this Court on February 19 – 28, 2008, and the
2 jury entered a verdict in favor of A&F on February 29, 2008.

3 (10) On March 17, 2008, A&F applied for a final judgment, including a
4 permanent injunction, which is pending before the Court.

5 (11) The parties wish to have A&F's request for permanent injunction and
6 mandatory destruction to be resolved by the following consent permanent injunction to
7 be entered immediately.

8 (12) Defendant, through its Chief Executive Officer, Mr. Chris Gang Li, has
9 represented and warranted in a contemporaneous settlement agreement that all
10 remaining inventory of merchandise bearing any moose design in the possession,
11 custody or control of Defendant, its employees, affiliates, representatives, bailees or
12 agents is limited to a) approximately 14,600 garments bearing an embroidered moose
13 logo on the outside of the garment, and b) approximately 162,000 garments with no
14 embroidered moose logo on the outside of the garment but with inside labels bearing
15 composite "Moose Creek" word & moose design marks. Defendant has further
16 represented and warranted that it has no inventory bearing any other mammal or bird
17 design or mark, other than clothing manufactured under the "Field & Stream" label
18 bearing a design or mark with an eagle (as exemplified in Exhibit 1 hereto), and agrees
19 that A&F may conduct an inspection to verify this inventory.

20 Accordingly the parties agree, subject to the approval of the Court, to the entry of
21 the following Consent Permanent Injunction:

22 IT IS HEREBY ORDERED AND DECREED that:
23

24 1. **Permanent Injunction.** The Defendant and each of its owners,
25 employees, agents, servants, sales and other representatives, pledgees, licensees,
26 successors and assigns, and all other individuals, firms, corporations, and other persons
27 acting in privity, concert, or participation with it, including but not limited to Mr. Chris
28 Gang Li and Richard Bernstein, are hereby permanently enjoined from:

1 (A) ordering; accepting orders for; obtaining; handling; manufacturing;
2 arranging for or requesting the creation, duplication or manufacture of; purchasing;
3 importing; accepting shipment or delivery of; warehousing; offering for sale;
4 advertising; promoting; selling; bailing or otherwise transferring; distributing; licensing;
5 or otherwise using; or purporting to transfer any alleged ownership or interest in: any
6 moose, other mammal, or bird design or mark; or any merchandise or thing bearing any
7 such design or mark; provided, however, that:

8 (1) Defendant shall have until January 13, 2009 to sell the above-
9 mentioned remaining inventory of product under Section 12(b) above, bearing inside
10 labels with moose designs in Defendant's possession, custody or control, so long as
11 such sell-off is limited to sales at wholesale to the retailers identified on Exhibit 2
12 hereto, and further subject to Defendant's aforementioned representation and warranty,
13 the remaining provisions of this injunction, A&F's right to inspect and verify such
14 inventory, and destruction of other inventory bearing embroidered moose logos on the
15 outside of merchandise per Section 2 below.

16 (2) Defendant may place designs or marks used by unaffiliated
17 third parties incorporating designs of mammals and birds (but not any design or mark
18 containing any moose or any antlered or otherwise moose-like mammal including but
19 not limited to any elk, reindeer, deer or caribou, or any seagull or other bird confusingly
20 similar to Plaintiffs' bent-wing seagull exemplified in Exhibit 3 hereto) on clothing in
21 connection with genuine, arms-length private label business, provided that Defendant
22 may not place any such other mammal or bird design or mark unless it has been
23 formally and contemporaneously registered or allowed in writing by the United States
24 Patent & Trademark Office.

25 (B) doing any other act or thing likely to confuse, mislead, or deceive
26 others into believing that Defendant or its products emanate from, or are affiliated or
27 connected with, or sponsored or approved by, Plaintiffs.
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1 2. **Destruction of Infringing Goods and Materials.** Defendant, in
2 accordance with Section 35 of the United States Trademark Act, 15 U.S.C. § 1118, shall
3 deliver to Plaintiffs, or at Plaintiffs' election a third party, for destruction within five
4 days of the date of entry of this Injunction, or forthwith upon any violation of this
5 injunction or of the representation and warranty in paragraph (12) above, all product
6 bearing an embroidered moose on the outside (see section 12(a) above).

7 3. **Report on Compliance.** Defendant, in accordance with Section 34(a) of
8 the United States Trademark Act, 15 U.S.C. § 1116(a), shall file with the Court, and
9 serve upon Plaintiffs, within ten days of the date of entry of this Injunction, a report in
10 writing and under oath, setting forth in detail the manner and form in which Defendant
11 has complied with the terms of this Injunction.

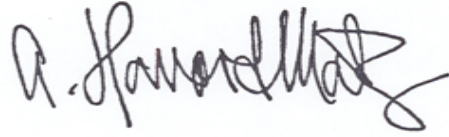
12 4. **Dissemination of Copies of This Injunction.** Within five days of the date
13 of entry of this Permanent Injunction, Defendant shall provide each of its owners,
14 employees, agents, servants, sales and other representatives, pledgees, licensees,
15 successors and assigns, and all other individuals, firms, corporations, and other persons
16 acting in privity, concert or participation with it, including but not limited to Chris Gang
17 Li and Richard Bernstein, a copy of this Permanent Injunction and instruct each such
18 person to read it and comply with its terms.

19 5. **Court to Retain Jurisdiction.** This Court shall retain jurisdiction over
20 this action and the parties for the purpose of enabling Plaintiffs to apply to this Court in
21 the future for such further orders and directions as may be necessary or appropriate for
22 the interpretation or execution of any Order entered in this action, for the modification
23 or enforcement of any such Order, and for the enforcement of any violations thereof,
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1 and to resolve any issues out of a claim of violation of or noncompliance with this
2 Permanent Injunction.

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4 DONE AND ORDERED, at Los Angeles, California, this 6th day of May, 2008.

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Hon. A. Howard Matz
United States District Judge

EXHIBIT 1



MAIN LABEL



HANG TAG

EXHIBIT 2

**PAGES 2 THROUGH 81
OF EXHIBIT 2
REDACTED**

EXHIBIT 3



*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 28

ESTTA Tracking number: **ESTTA230521**

Filing date: **08/14/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Abercrombie & Fitch Trading Co.		
Entity	Corporation	Citizenship	Ohio
Address	6301 Fitch Path New Albany, OH 43054 UNITED STATES		

Attorney information	Susan M. Kayser Howrey LLP 2941 Fairview Park Drive Suite 200 Falls Church, VA 22042 UNITED STATES ipdocketing@howrey.com, KayserS@howrey.com, OsseiranN@howrey.com, RenneM@howrey.com Phone:202.783.0800
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Applicant Information

Application No	77975490	Publication date	07/15/2008
Opposition Filing Date	08/14/2008	Opposition Period Ends	08/14/2008
Applicant	The Idaho Club, LLC Suite 1010 6900 South McCarran Reno, NV 89509 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: Sporting equipment, namely, golf bags, golf bag tags, golf clubs, covers for golf clubs, golf tees, golf balls, golf gloves, golf club grips, golf ball markers, fishing lures, fishing poles
Class 036. All goods and services in the class are opposed, namely: Real estate management services, namely, providing listing, leasing and management of residential properties
Class 039. All goods and services in the class are opposed, namely: Marina services, namely, leasing of boat docking space and boat rentals; rental of golf carts
Class 041. All goods and services in the class are opposed, namely: Golf club services, namely, providing golf courses, tee time reservations, golf instruction, caddying services, golf equipment rentals and golf tournament facilities; recreational services, namely, providing tennis courts, fishing guides and fishing instruction; rental of fishing poles and bait; resort entertainment services, namely, organization of golf, fishing, sailing, kayaking, and hiking tournaments and instructional cooking, wine appreciation, fishing, kayaking, sailing, art, and music classes, for guests and residents of a resort
Class 043.

All goods and services in the class are opposed, namely: Resort services, namely, providing temporary accommodation and child care facilities for guests and residents of a resort, restaurant services, bar services, provision of conference and meeting facilities; spa services, namely, providing temporary accommodations and meals to clients of a health and beauty spa

Class 044.

All goods and services in the class are opposed, namely: Health and beauty spa services, namely, cosmetic body care and massage services for wellness of the body and spirit, offered at a health resort

Class 045.

All goods and services in the class are opposed, namely: Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3065016	Application Date	09/12/2003
Registration Date	03/07/2006	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/06/24 First Use In Commerce: 2003/06/24 clothing, namely, shirts and sweaters		

U.S. Registration No.	3220225	Application Date	10/31/2005
Registration Date	03/20/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2004/11/30 First Use In Commerce: 2004/11/30 Fragrances, namely, perfumes and colognes		

U.S. Registration No.	3383434	Application Date	10/31/2005
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Jewelry, namely, necklaces and bracelets		

	Class 018. First use: First Use: 2002/11/00 First Use In Commerce: 2002/11/00 Backpacks, duffel bags, gym bags, handbags, tote bags and travel bags
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U.S. Application No.	78977689	Application Date	10/31/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Personal care products, namely, body lotion, hand lotion, face lotion, body spray		

U.S. Application No.	78743723	Application Date	10/31/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/12/31 First Use In Commerce: 2003/12/31 Clothing, namely, polo shirts, blouses, sweaters, t-shirts, knit shirts, knit tops, sweatshirts, sweatpants, sweat suits, pants, jogging suits, jeans, shorts, skirts, caps, hats, scarves, jackets, coats, sandals, flip flops, socks, belts, tank tops, underwear, boxer shorts, swim suits, pajamas, sleepwear and thongs Class 035. First use: First Use: 2003/12/31 First Use In Commerce: 2003/12/31 Retail store services, mail order catalog services and on-line retail store services featuring clothing, footwear, accessories, fragrances and jewelry		

U.S. Application No.	78743432	Application Date	10/31/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Clothing, namely, bathrobes, beach cover-ups, beachwear, belts, blazers, body shapers, body suits, bras, bustiers, camisoles, dresses, footwear, foundation garments, garter belts, girdles, gloves, gowns, halter tops, headbands, hosiery, knee highs, leotards, lingerie, loungewear, mittens, negligees, night gowns, night shirts, pantyhose, sarongs, slippers, stockings, suits, tap pants, teddies, ties, tights and vests		

Attachments	78299926#TMSN.jpeg (1 page)(bytes) 78977673#TMSN.jpeg (1 page)(bytes) 78979398#TMSN.jpeg (1 page)(bytes)
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	78977689#TMSN.jpeg (1 page)(bytes) 78743723#TMSN.jpeg (1 page)(bytes) 78743432#TMSN.jpeg (1 page)(bytes) Notice of Opposition with Exhibits A-F (14-AUG-2008).pdf (35 pages)(2564409 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nina Osseiran/
Name	Nina Osseiran
Date	08/14/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Abercrombie & Fitch Trading Co.,

Opposer,

v.

The Idaho Club, LLC

Applicant.

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Opposition No.

Application No.: 77/975,490

Filing Date: September 20, 2007

Subject Mark: Miscellaneous Design

NOTICE OF OPPOSITION

Opposer, Abercrombie & Fitch Trading Co., an Ohio corporation with its principal address at 6301 Fitch Path, New Albany, Ohio 43054, believes that will be damaged by the registration of the mark shown in Application No. 77/975,490 and hereby opposes registration of this application.

As grounds for the Opposition, it is alleged that:

I. Application Serial No. 77/975,490 (the "opposed application") seeks to register the trademark Miscellaneous Design:



for use with *Sporting equipment, namely, golf bags, golf bag tags, golf clubs, covers for golf clubs, golf tees, golf balls, golf gloves, golf club grips, golf ball markers, fishing lures, fishing poles* in International Class 28; *Real estate management services, namely, providing listing, leasing and management of residential properties* in International Class 36; *Marina services,*

namely, leasing of boat docking space and boat rentals; rental of golf carts in International Class 39; Golf club services, namely, providing golf courses, tee time reservations, golf instruction, caddying services, golf equipment rentals and golf tournament facilities; recreational services, namely, providing tennis courts, fishing guides and fishing instruction; rental of fishing poles and bait; resort entertainment services, namely, organization of golf, fishing, sailing, kayaking, and hiking tournaments and instructional cooking, wine appreciation, fishing, kayaking, sailing, art, and music classes, for guests and residents of a resort in International Class 41; Resort services, namely, providing temporary accommodation and child care facilities for guests and residents of a resort, restaurant services, bar services, provision of conference and meeting facilities; spa services, namely, providing temporary accommodations and meals to clients of a health and beauty spa in International Class 43; Health and beauty spa services, namely, cosmetic body care and massage services for wellness of the body and spirit, offered at a health resort in International Class 44; and Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes in International Class 45.

2. On information and belief, the opposed application was filed by The Idaho Club, LLC, a Nevada Limited Liability Company with principal offices at Suite 1010 6900 South McCarran, Reno, NV 89509 on September 20, 2007.

3. The opposed application was filed based on Applicant's claim of a bona fide intention to use the mark Miscellaneous Design in commerce.

4. The parent company of Opposer, Abercrombie & Fitch Co. is one of the largest manufacturers, wholesalers and retailers of high quality, casual apparel and accessories for men,

women, and children with an active, youthful lifestyle in the U.S.A. The parent company and its predecessors in interest, have been engaged in the business of manufacturing and selling high-end apparel and related accessories in the United States since 1892, for over 100 years.

5. Opposer, Abercrombie & Fitch Trading Co., is a wholly owned subsidiary and holding company of Abercrombie & Fitch Co., the parent company, a Delaware corporation.

6. Opposer is the owner of Registration Nos. 3,065,016, 3,220,225, 3,383,434 and Application Serial Nos. 78/977,689, 78/743,723, 78/743,432 for its Design mark (MOOSE design) as depicted below:



7. Opposer first used a moose on clothing in 1998 and, beginning in 2002, Opposer started depicting the Design mark (MOOSE design) on apparel and bags to represent its brand.

8. In 2003 and 2004, Opposer expanded the line of merchandise bearing its Design mark (MOOSE design) to include additional products, including fragrances and jewelry as protected by Opposer's Registration Nos. 3,220,225, and 3,383,434.

9. Opposer's clothing bearing its Design mark (MOOSE design) is sold in its Abercrombie & Fitch and abercrombie stores, as well as through its websites, www.abercrombie.com and www.abercrombiekids.com, and via its catalogs.

10. Currently, Opposer's Design mark (MOOSE design) is used in connection with a substantial percentage of goods sold by Opposer.

11. Opposer actively promotes its Design mark (MOOSE design) through catalogs, on its websites at www.abercrombie.com and www.abercrombiekids.com, on in-store photographs, on packaging, and has spent substantial sums advertising its Design mark (MOOSE design).

12. As a result of its use and promotion of its Design mark (MOOSE design), Opposer has established its Design mark (MOOSE design) as well known among its actual and target purchasers of casual apparel as well as other members of the public.

13. Opposer owns Registration No. 3,065,016 for its Design mark (MOOSE design) in Class 25, with a first use date in commerce of June 24, 2003, in connection with *Clothing, namely, shirts and sweaters*. A copy of this Registration and the PTO TARR report is attached to this Notice of Opposition as **Exhibit A**.

14. Opposer owns Registration No. 3,220,225 for its Design mark (MOOSE design) in Class 3, with a first use date in commerce of November 30, 2004, in connection with *Fragrances, namely, perfumes and colognes*. A copy of this Registration and PTO TARR report is attached to this Notice of Opposition as **Exhibit B**.

15. Opposer owns Registration No. 3,383,434 for its Design mark (MOOSE design) in Classes 14 and 18, with a first use date in commerce of March 2003 in connection with *Jewelry, namely, necklaces and bracelets*, and a first use date in commerce of November 2002 in connection with *Backpacks, duffel bags, gym bags, handbags, tote bags and travel bags*. A copy of this Registration and PTO TARR report is attached to this Notice of Opposition as **Exhibit C**.

16. Opposer is the owner of pending Application Serial No. 78/977,689 to register its Design mark (MOOSE design), filed October 31, 2005, and has a bona fide intent to use the mark in connection with *Personal care products, namely, body lotion, hand lotion, face lotion*,

body spray. A copy of the PTO TARR report is attached to this Notice of Opposition as **Exhibit D**.

17. Opposer is the owner of pending Application Serial No. 78/743,723 to register its Design mark (MOOSE design), filed October 31, 2005, and uses the mark in connection with *clothing, namely, polo shirts, blouses, sweaters, t-shirts, knit shirts, knit tops, sweatshirts, sweatpants, sweat suits, pants, jogging suits, jeans, shorts, skirts, caps, hats, scarves, jackets, coats, sandals, flip flops, socks, belts, tank tops, underwear, boxer shorts, swim suits, pajamas, sleepwear and thongs* in Class 25, and *retail store services, mail order catalog services and on-line retail services featuring clothing, footwear, accessories, fragrances and jewelry* in Class 35. A copy of the PTO TARR report is attached to this Notice of Opposition as **Exhibit E**.

18. Opposer is the owner of pending Application Serial No. 78/743,432 to register its Design mark (MOOSE design), and has a bona fide intent to use the mark in connection with *Clothing, namely, bathrobes, beach cover-ups, beachwear, belts, blazers, body shapers, body suits, bras, bustiers, camisoles, dresses, footwear, foundation garments, garter belts, girdles, gloves, gowns, halter tops, headbands, hosiery, knee highs, leotards, lingerie, loungewear, mittens, negligees, night gowns, night shirts, pantyhose, sarongs, slips, stockings, suits, tap pants, teddies, ties, tights and vests* in Class 25. A copy of the PTO TARR report is attached to this Notice of Opposition as **Exhibit F**.

19. On information and belief, Opposer's use of the Design mark (MOOSE design) in commerce predates any use of the mark subject of Application No. 77/975,490 upon which Applicant can rely.

20. Opposer has prior trademark rights in the Design mark (MOOSE design) in the United States based both on its common law rights and Registration Nos. 3,065,016, 3,220,225, and 3,383,434.

21. Applicant's mark subject of the opposed application so resembles Opposer's previously used and registered Design mark (MOOSE design) as to be likely to cause confusion, to cause mistake or to deceive within the meaning of §2(d) of The Federal Trademark Act, thereby damaging Opposer.

22. Opposer believes it will be damaged by the registration of Application Serial No. 77/975,490.

WHEREFORE, Opposer believes that the present opposition should be sustained and respectfully requests that Application Serial No. 77/975,490 be refused registration.

Respectfully submitted,

Abercrombie & Fitch Trading Co.

Date: August 14, 2008

By: Nina Osseiran

Susan M. Kayser
Nina Osseiran
Attorneys for Applicant
Howrey LLP
2941 Fairview Park Drive
Falls Church, VA 22042-4522
Tel: 202.783.0800
Fax: 202. 383.6195

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August 2008, a true copy of the foregoing NOTICE OF OPPOSITION and EXHIBITS A - F were served on the following counsel of record for Applicant via U.S. Mail to:

Norm J. Rich
Foley & Lardner LLP
3000 K St NW Ste 500
Washington, DC 20007-5143

A handwritten signature in cursive script, reading "H. M. Renne", written over a horizontal line.

H. Michelle Renne

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Tdc

Mailed: October 6, 2008

Opposition No. 91185828

Abercrombie & Fitch Trading
Co.

v.

The Idaho Club, LLC

On September 26, 2008, applicant filed an abandonment of
its application Serial No. 77975490.¹

Trademark Rule 2.135 provides that if, in an inter partes
proceeding, the applicant files an abandonment without the
written consent of every adverse party to the proceeding,
judgment shall be entered against applicant.

In view thereof, and because opposer's written consent to
the abandonment is not of record, judgment is hereby entered
against applicant, the opposition is sustained and
registration to applicant is refused.

***By the Trademark Trial
and Appeal Board***

¹ Applicant's abandonment does not indicate proof of service of
a copy of same on counsel for opposer as required by Trademark
Rule 2.119. In order to expedite this matter, a copy of said
abandonment is forwarded herewith to counsel for opposer.

Generated on: This page was generated by TSDR on 2015-06-14 19:40:52 EDT

Mark:



US Serial Number: 77975490

Application Filing Date: Sep. 20, 2007

Register: Principal

Mark Type: Trademark, Service Mark

Status: Abandoned after an inter partes decision by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Oct. 06, 2008

Publication Date: Jul. 15, 2008

Date Abandoned: Oct. 06, 2008

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a moose.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala
03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose

Related Properties Information

Claimed Ownership of US 77284522

Registrations:

Child Of: 77284522

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Sporting equipment, namely, golf bags, golf bag tags, golf clubs, covers for golf clubs, golf tees, golf balls, golf gloves, golf club grips, golf ball markers, fishing lures, fishing poles

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ABANDONED

Basis: 1(b)

For: Real estate management services, namely, providing listing, leasing and management of residential properties

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ABANDONED

Basis: 1(b)

For: Marina services, namely, leasing of boat docking space and boat rentals; rental of golf carts

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ABANDONED

Basis: 1(b)

For: Golf club services, namely, providing golf courses, tee time reservations, golf instruction, caddying services, golf equipment rentals and golf tournament facilities; recreational services, namely, providing tennis courts, fishing guides and fishing instruction; rental of fishing poles and bait; resort entertainment services, namely, organization of golf, fishing, sailing, kayaking, and hiking tournaments and instructional cooking, wine appreciation, fishing, kayaking, sailing, art, and music classes, for guests and residents of a resort

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ABANDONED

Basis: 1(b)

AF 002452

For: Resort services, namely, providing temporary accommodation and child care facilities for guests and residents of a resort, restaurant services, bar services, provision of conference and meeting facilities; spa services, namely, providing temporary accommodations and meals to clients of a health and beauty spa

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ABANDONED

Basis: 1(b)

For: Health and beauty spa services, namely, cosmetic body care and massage services for wellness of the body and spirit, offered at a health resort

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ABANDONED

Basis: 1(b)

For: Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes

International Class(es): 045 - Primary Class

U.S Class(es): 100, 101

Class Status: ABANDONED

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: The Idaho Club, LLC

Owner Address: Suite 1010
6900 South McCarran
Reno, NEVADA 89509
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

**State or Country Where
Organized:** NEVADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Norm J. Rich

Docket Number: 073838-0402

Correspondent

**Correspondent
Name/Address:** NORM J. RICH
FOLEY & LARDNER LLP
3000 K ST NW, STE 500
WASHINGTON, DISTRICT OF COLUMBIA 20007-5143
UNITED STATES

Phone: 202-672-5300

Fax: 202-672-5399

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 06, 2008	ABANDONMENT NOTICE MAILED - INTER PARTES DECISION	
Oct. 06, 2008	ABANDONMENT - AFTER INTER PARTES DECISION	
Oct. 06, 2008	OPPOSITION TERMINATED NO. 999999	185828
Oct. 06, 2008	OPPOSITION SUSTAINED NO. 999999	185828
Aug. 18, 2008	OPPOSITION INSTITUTED NO. 999999	185828
Aug. 14, 2008	OPPOSITION PAPERS RECEIVED AT TTAB	
Jul. 15, 2008	PUBLISHED FOR OPPOSITION	
Jun. 25, 2008	NOTICE OF PUBLICATION	

AF 002453

Jun. 11, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Jun. 10, 2008	EXAMINERS AMENDMENT MAILED	
Jun. 10, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 10, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 10, 2008	EXAMINERS AMENDMENT -WRITTEN	78553
Jun. 09, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
May 17, 2008	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
May 02, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
May 02, 2008	ASSIGNED TO LIE	68123
May 02, 2008	EXAMINERS AMENDMENT MAILED	
May 02, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 02, 2008	EXAMINER'S AMENDMENT ENTERED	88888
May 02, 2008	EXAMINERS AMENDMENT -WRITTEN	78553
Apr. 26, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 25, 2008	DIVISIONAL PROCESSING COMPLETE	
Apr. 21, 2008	DIVISIONAL REQUEST RECEIVED	
Apr. 24, 2008	AMENDMENT FROM APPLICANT ENTERED	73787
Apr. 24, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	73787
Apr. 24, 2008	ASSIGNED TO LIE	73787
Apr. 21, 2008	PAPER RECEIVED	
Apr. 21, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 21, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 21, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 26, 2007	NON-FINAL ACTION MAILED	
Dec. 24, 2007	NON-FINAL ACTION WRITTEN	78553
Dec. 24, 2007	ASSIGNED TO EXAMINER	78553
Sep. 26, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 25, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information	
TM Attorney: PHAM, LANA H	Law Office Assigned: LAW OFFICE 115
File Location	
Current Location: TTAB	Date in Location: Oct. 06, 2008

Proceedings

Summary			
Number of Proceedings: 1			
Type of Proceeding: Opposition			
Proceeding Number: 91185828		Filing Date: Aug 14, 2008	
Status: Terminated		Status Date: Oct 06, 2008	
Interlocutory Attorney: CHERYL A BUTLER			
Defendant			
Name: The Idaho Club, LLC			
Correspondent Address: NORM J. RICH FOLEY & LARDNER LLP 3000 K ST NW, STE 500 WASHINGTON DC , 20007-5143 UNITED STATES			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
	Abandoned - After Inter-Partes Decision	77975490	

AF 002454

Plaintiff(s)**Name:** Abercrombie & Fitch Trading Co.**Correspondent Address:** Susan M. Kayser
Howrey LLP
2941 Fairview Park Drive, Suite 200
Falls Church VA , 22042
UNITED STATES**Correspondent e-mail:** ipdocketing@howrey.com , KayserS@howrey.com , OsseiranN@howrey.com , RenneM@howrey.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
	Renewed	78299926	3065016
	Section 8 and 15 - Accepted and Acknowledged	78977673	3220225
	Section 8 - Accepted	78979398	3383434
	Abandoned - No Statement Of Use Filed	78977689	
	Registered	78743723	3964371
	Registered	78743432	4551991

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 18, 2008	Sep 27, 2008
3	PENDING, INSTITUTED	Aug 18, 2008	
4	WITHDRAWAL OF APPLICATION	Sep 26, 2008	
5	BOARD'S DECISION: SUSTAINED	Oct 06, 2008	
6	TERMINATED	Oct 06, 2008	

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 29

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 77284522	
MARK:	*77284522*
CORRESPONDENT ADDRESS: NORM J. RICH FOLEY & LARDNER LLP 3000 K ST NW STE 500 WASHINGTON, DC 20007-5143	CLICK HERE TO RESPOND TO THIS LETTER http://www.uspto.gov/trademarks/teas/response
APPLICANT: The Idaho Club, LLC	
CORRESPONDENT'S REFERENCE/DOCKET NO : 073838-0402 CORRESPONDENT E-MAIL ADDRESS:	

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE:

On April 29, 2008, action on this application was suspended pending the disposition of U.S. Application Serial Nos. 78743432 and 78743723. The referenced prior-pending applications have since registered. Therefore, registration is refused as follows.

Section 2(d) – Likelihood of Confusion Refusal

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3964371 and 4551991. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic*

Distilling Co., 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Comparison of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in their entireties that confusion as to the source of the goods offered under applicant's and registrant's marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *Edom Labs., Inc. v. Lichter*, 102 USPQ2d 1546, 1551 (TTAB 2012); TMEP §1207.01(b). The focus is on the recollection of the average purchaser, who normally retains a general rather than specific impression of trademarks. *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

When the marks at issue are both design marks, similarity of the marks is determined primarily on the basis of visual similarity. *See, e.g., Volkswagenwerk Aktiengesellschaft v. Rose 'Vear Enters.*, 592 F.2d 1180, 1183, 201 USPQ 7, 9 (C.C.P.A. 1979) (quoting *In re ATV Network Ltd.*, 552 F.2d 925, 929, 193 USPQ 331, 332 (C.C.P.A. 1977)); *Ft. James Operating Co. v. Royal Paper Converting Inc.*, 83 USPQ2d 1624, 1628 (TTAB 2007); TMEP §1207.01(c). However, a side-by-side comparison is not the test. *See Grandpa Pidgeon's of Mo., Inc. v. Borgsmiller*, 477 F.2d 586, 587, 177 USPQ 573, 574 (C.C.P.A. 1973). When comparing design marks, the focus is on the overall commercial impression conveyed by such marks, not on specific differences. *See Grandpa Pidgeon's of Mo., Inc. v. Borgsmiller*, 477 F.2d at 587, 177 USPQ at 574; *In re Triple R Mfg. Corp.*, 168 USPQ 447, 448 (TTAB 1970); TMEP §1207.01(c).

Here, both applicant and registrant's marks are solid-colored, standing moose designs. The marks create identical overall commercial impressions.

Comparison of the Goods

The goods of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

Here, applicant's goods, namely, “Clothing, namely, golf hats, ball caps, T-shirts, golf shirts, dress shirts, sweaters, jackets, pants, sweatbands, golf shoes, golf cleats, socks, swimsuits, bathrobes and loungewear,” are closely related to registrant's goods, namely, “Clothing, namely, polo shirts, blouses, sweaters, t-shirts, knit shirts, knit tops, sweatshirts, sweatpants, sweat suits, pants, jogging suits, jeans, shorts, skirts, caps, hats, scarves, jackets, coats, sandals, flip flops, socks, belts, tank tops, underwear, boxer shorts,

swim suits, pajamas, sleepwear and thongs,” and “Clothing, namely, beach cover-ups, bras, camisoles, halter tops and night shirts.” The identifications contain identical goods.

Additionally, neither the application nor the registrations contains any limitations regarding trade channels for the goods and therefore it is assumed that registrant’s and applicant’s goods are sold everywhere that is normal for such items, i.e., clothing and department stores. Thus, it can also be assumed that the same classes of purchasers shop for these items and that consumers are accustomed to seeing them sold under the same or similar marks. *See Kangol Ltd. v. KangaROOS U.S.A., Inc.*, 974 F.2d 161, 23 USPQ2d 1945 (Fed. Cir. 1992); *In re Smith & Mehaffey*, 31 USPQ2d 1531 (TTAB 1994); TMEP §1207.01(a)(iii).

Decisions regarding likelihood of confusion in the clothing field have found many different types of apparel to be related goods. *Cambridge Rubber Co. v. Cluett, Peabody & Co.*, 286 F.2d 623, 624, 128 USPQ 549, 550 (C.C.P.A. 1961) (women’s boots related to men’s and boys’ underwear); *Jockey Int’l, Inc. v. Mallory & Church Corp.*, 25 USPQ2d 1233, 1236 (TTAB 1992) (underwear related to neckties); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991) (women’s pants, blouses, shorts and jackets related to women’s shoes); *In re Pix of Am., Inc.*, 225 USPQ 691, 691-92 (TTAB 1985) (women’s shoes related to outer shirts); *In re Mercedes Slacks, Ltd.*, 213 USPQ 397, 398-99 (TTAB 1982) (hosiery related to trousers); *In re Cook United, Inc.*, 185 USPQ 444, 445 (TTAB 1975) (men’s suits, coats, and trousers related to ladies’ pantyhose and hosiery); *Esquire Sportswear Mfg. Co. v. Genesco Inc.*, 141 USPQ 400, 404 (TTAB 1964) (brassieres and girdles related to slacks for men and young men).

Conclusion

Given the similarity of the marks and the goods, prospective customers are likely to confuse the source of the respective goods. Accordingly, registration of applicant’s mark is properly refused under Section 2(d) of the Trademark Act.

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Response Guidelines

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant’s name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If the applicant has any questions or needs assistance in responding to this Office Action, please telephone the assigned examining attorney.

/Matt Einstein/
Matt Einstein
Trademark Examining Attorney
Law Office 115
571-272-8251

matt.einstein@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print: Aug 5, 2014

78743432

DESIGN MARK

Serial Number

78743432

Status

REGISTERED

Registration Number

4551991

Date Registered

2014/06/17

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Abercrombie & Fitch Trading Co. CORPORATION OHIO Attn: Jacob Kramer
6301 Fitch Path New Albany OHIO 43054

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,
namely, beach cover-ups, bras, camisoles, halter tops and night
shirts. First Use: 2002/02/00. First Use In Commerce: 2002/02/00.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2005/10/31

Examining Attorney

KAUFMAN, LAURIE

Attorney of Record

Jacob Kramer



DESIGN MARK

Serial Number

78743723

Status

REGISTERED

Registration Number

3964371

Date Registered

2011/05/24

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Abercrombie & Fitch Trading Co. CORPORATION OHIO 6301 Fitch Path New Albany OHIO 43054

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, polo shirts, blouses, sweaters, t-shirts, knit shirts, knit tops, sweatshirts, sweatpants, sweat suits, pants, jogging suits, jeans, shorts, skirts, caps, hats, scarves, jackets, coats, sandals, flip flops, socks, belts, tank tops, underwear, boxer shorts, swim suits, pajamas, sleepwear and thongs. First Use: 2003/12/31. First Use In Commerce: 2003/12/31.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store services, mail order catalog services and on-line retail store services featuring clothing, footwear, accessories, fragrances and jewelry. First Use: 2003/12/31. First Use In Commerce: 2003/12/31.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2005/10/31

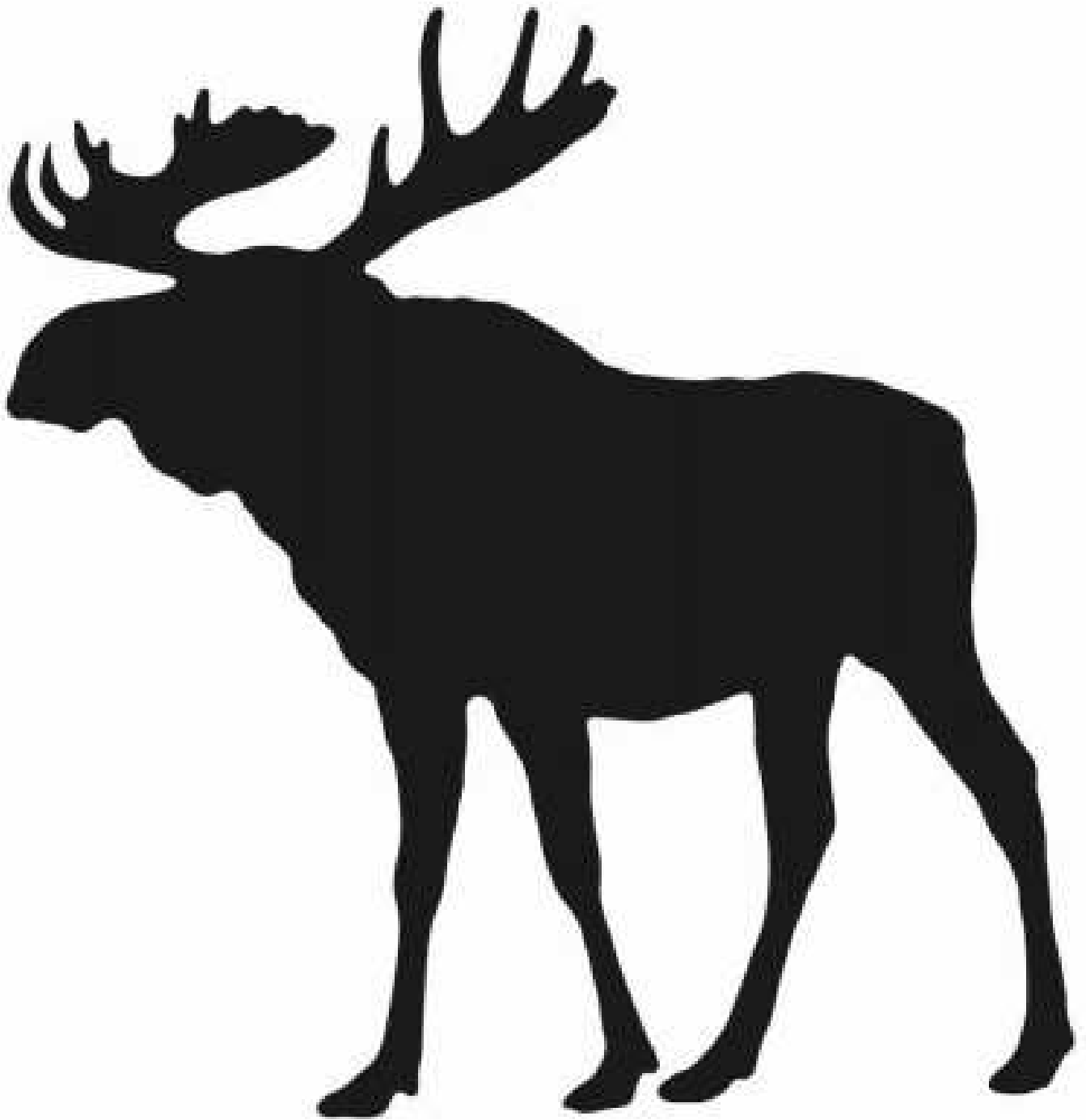
Examining Attorney

KAUFMAN, LAURIE

Print: Aug 5, 2014

78743723

Attorney of Record
Jacob Kramer



Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Mar 4, 2015

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Aug 6, 2014 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 77284522

MARK: MISCELLANEOUS DESIGN

OWNER: The Idaho Club, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

NORM J. RICH
FOLEY & LARDNER LLP
3000 K ST NW STE 500
WASHINGTON , DC 20007-5143

AF 002601



Generated on: This page was generated by TSDR on 2015-06-14 19:43:34 EDT

Mark:



US Serial Number: 77284522

Application Filing Date: Sep. 20, 2007

Register: Principal

Mark Type: Trademark

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 04, 2015

Date Abandoned: Feb. 09, 2015

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a moose .

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala
03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose

Related Properties Information

Claimed Ownership of US 77975490

Registrations:

Parent Of: 77975490

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, golf hats, ball caps, T-shirts, golf shirts, dress shirts, sweaters, jackets, pants, sweatbands, golf shoes, golf cleats, socks, swimsuits, bathrobes and loungewear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: The Idaho Club, LLC

Owner Address: Suite 1010
6900 South McCarran
Reno, NEVADA 89509
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where NEVADA
Organized:

AF 002603

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Norm J. Rich

Docket Number: 073838-0402

Correspondent

Correspondent Name/Address: NORM J. RICH
FOLEY & LARDNER LLP
3000 K ST NW STE 500
WASHINGTON, DISTRICT OF COLUMBIA 20007-5143
UNITED STATES

Phone: 202-672-5300

Fax: 202-672-5399

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 04, 2015	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Mar. 04, 2015	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Aug. 06, 2014	NON-FINAL ACTION MAILED	
Aug. 05, 2014	NON-FINAL ACTION WRITTEN	83178
Jul. 23, 2014	ASSIGNED TO EXAMINER	83178
Jul. 21, 2014	LIE CHECKED SUSP - TO ATTY FOR ACTION	59554
Dec. 26, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	59554
Dec. 26, 2013	ASSIGNED TO LIE	59554
Jun. 18, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Dec. 18, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Jun. 14, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Dec. 12, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Jun. 08, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Nov. 29, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 11, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 04, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
May 04, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Nov. 03, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Apr. 30, 2008	LETTER OF SUSPENSION MAILED	
Apr. 29, 2008	SUSPENSION LETTER WRITTEN	78553
Apr. 25, 2008	DIVISIONAL PROCESSING COMPLETE	
Apr. 21, 2008	DIVISIONAL REQUEST RECEIVED	
Apr. 24, 2008	AMENDMENT FROM APPLICANT ENTERED	73787
Apr. 24, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	73787
Apr. 24, 2008	ASSIGNED TO LIE	73787
Apr. 21, 2008	PAPER RECEIVED	
Apr. 21, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 21, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 21, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 26, 2007	NON-FINAL ACTION MAILED	
Dec. 24, 2007	NON-FINAL ACTION WRITTEN	78553
Dec. 24, 2007	ASSIGNED TO EXAMINER	78553
Sep. 26, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 25, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information**TM Attorney:** EINSTEIN, MATTHEW T**Law Office Assigned:** LAW OFFICE 115**File Location****Current Location:** TMO LAW OFFICE 115 - EXAMINING
ATTORNEY ASSIGNED**Date in Location:** Mar. 04, 2015

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 30

ESTTA Tracking number: **ESTTA305231**

Filing date: **09/09/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Abercrombie & Fitch Trading Co.
Granted to Date of previous extension	09/09/2009
Address	6301 Fitch Path New Albany, OH 43054 UNITED STATES
Correspondence information	Jacob Kramer Legal Counsel Abercrombie & Fitch Trading Co. 6301 Fitch Path New Albany, OH 43054 UNITED STATES ipdocketingwest@abercrombie.com Phone:614.283.6930

Applicant Information

Application No	77587959	Publication date	05/12/2009
Opposition Filing Date	09/09/2009	Opposition Period Ends	09/09/2009
Applicant	Lopes, Paul R. 536 Slate Ledge Road Littleton, NH 03561 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. First Use: 2004/09/15 First Use In Commerce: 2004/09/15 All goods and services in the class are opposed, namely: On-line retail store services featuring moose-related products, namely, stuffed moose toys with adoption certificates, art, automotive products, baby items, books, cards, stationery, calendars, cds, dvds, clothing, collectibles, games, puzzles, gift baskets, hardware, health and beauty products, holiday items, housewares, jewelry and jewelry accessories, kitchenware, magnets, moose mounts, mugs and glasses, novelties and toys, pet supplies, snacks and food items, socks, slippers, sporting goods, and stuffed moose toys
--


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3065016	Application Date	09/12/2003
-----------------------	---------	------------------	------------

Registration Date	03/07/2006	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/06/24 First Use In Commerce: 2003/06/24 clothing, namely, shirts and sweaters		

U.S. Registration No.	3383434	Application Date	10/31/2005
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Jewelry, namely, necklaces and bracelets Class 018. First use: First Use: 2002/11/00 First Use In Commerce: 2002/11/00 [Backpacks, duffel bags, gym bags,] handbags, tote bags and travel bags		

U.S. Application No.	78743723	Application Date	10/31/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/12/31 First Use In Commerce: 2003/12/31 Clothing, namely, polo shirts, blouses, sweaters, t-shirts, knit shirts, knit tops, sweatshirts, sweatpants, sweat suits, pants, jogging suits, jeans, shorts, skirts, caps, hats, scarves, jackets, coats, sandals, flip flops, socks, belts, tank tops, underwear, boxer shorts, swim suits, pajamas, sleepwear and thongs Class 035. First use: First Use: 2003/12/31 First Use In Commerce: 2003/12/31 Retail store services, mail order catalog services and on-line retail store services featuring clothing, footwear, accessories, fragrances and jewelry

U.S. Registration No.	3212644	Application Date	11/03/2005
Registration Date	02/27/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/11/01 First Use In Commerce: 2004/11/01 Clothing, namely, polo shirts, sweaters, t-shirts, shirts, knit tops, woven tops, sweatshirts, sweatpants, [sweat suits,] pants, [jogging suits, pants,] shorts, caps, hats, scarves, jackets, coats, sandals, flip flops, [socks,] belts, tank tops, underwear, boxer shorts, swim suits, pajamas, sleepwear Class 035. First use: First Use: 2004/11/01 First Use In Commerce: 2004/11/01 Retail store services, [mail order catalog services] and on-line retail store services featuring clothing, footwear, fashion accessories, fragrances and jewelry		

Attachments	78299926#TMSN.jpeg (1 page)(bytes)
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	78979398#TMSN.jpeg (1 page)(bytes) 78743723#TMSN.jpeg (1 page)(bytes) 78746305#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (28 pages)(470223 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/jacob kramer/
Name	Jacob Kramer
Date	09/09/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application No. 77/587,959

Filed: October 7, 2008

Applicant: Paul R. Lopes

Mark: THE MOOSE STORE (and Design)

Class: 35

Published in the *Official Gazette* of May 12, 2009

	§	
Abercrombie & Fitch Trading Co.,	§	
	§	
Petitioner,	§	
	§	Opposition No. _____
v.	§	
	§	
Paul R. Lopes,	§	
	§	
Applicant.	§	

NOTICE OF OPPOSITION

Abercrombie & Fitch Trading Co., an Ohio corporation with its principal address at 6301 Fitch Path, New Albany, Ohio 43054 (hereinafter "Opposer"), will be damaged by registration of the mark in Application No. 77/587,959, and hereby opposes same.

As grounds for the opposition, Opposer alleges that:

(1) Application Serial No. 77/587,959 (hereinafter the "Opposed Application") seeks registration of the mark THE MOOSE STORE and Moose Design



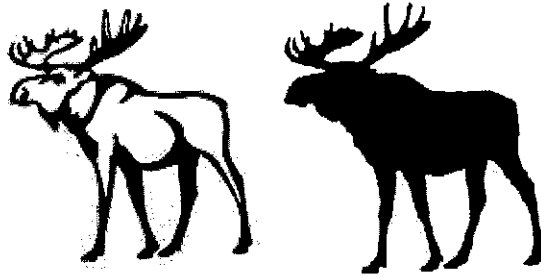
for on-line retail store services featuring moose-related products, namely, stuffed moose toys with adoption certificates, art, automotive products, baby items, books, cards, stationery, calendars, cds, dvds, clothing, collectibles, games, puzzles, gift baskets, hardware, health and beauty products, holiday items, housewares, jewelry and jewelry accessories, kitchenware, magnets, moose mounts, mugs and glasses, novelties and toys, pet supplies, snacks and food items, socks, slippers, sporting goods, and stuffed moose toys in Class 35.

(2) The Opposed Application was filed on October 7, 2008 based on a claim of use of the mark in commerce by the Applicant.

(3) The parent company of Opposer, Abercrombie & Fitch Co., is one of the largest manufacturers, wholesalers and retailers of high quality, casual apparel and accessories for men, women and children in the U.S.A. The parent company and its predecessors in interest have been engaged in the business of manufacturing and selling high-end apparel and related accessories in the United States since 1892.

(4) Opposer, Abercrombie & Fitch Trading Co., is a wholly owned subsidiary and holding company of Abercrombie & Fitch Co., the parent company, a Delaware corporation.

(5) Opposer is the owner of Registration Nos. 3,065,016, 3,212,644, and 3,383,434 and Application Serial No. 78/743,723 for its Moose Design marks (collectively, the A&F MOOSE Design) as depicted below:



(6) Opposer first used a moose on clothing in 1998 and, beginning in 2002, Opposer started depicting the A&F MOOSE DESIGN on apparel and bags to represent its brand.

(7) In 2003, Opposer expanded the line of merchandise bearing its A&F MOOSE DESIGN to include additional products, including jewelry.

(8) Opposer's clothing and jewelry bearing its A&F MOOSE DESIGN is sold in its Abercrombie & Fitch and abercrombie stores, as well as through its websites, www.abercrombie.com and www.abercrombiekids.com.

(9) Currently, Opposer's A&F MOOSE DESIGN is used in connection with a substantial percentage of goods sold by Opposer.

(10) Opposer actively promotes its A&F MOOSE DESIGN through catalogs, on its websites, on in-store photographs, on packaging, and Opposer has spent substantial sums advertising its A&F MOOSE DESIGN.

(11) As a result of its use and promotion of its A&F MOOSE DESIGN Opposer has established its A&F MOOSE DESIGN as distinctive and famous among its actual and target purchasers of casual apparel as well as other members of the public.

(12) Opposer owns Registration No. 3,065,016 for its A&F MOOSE DESIGN in Class 25, with a first use date in commerce of June 24, 2003, in connection with *clothing, namely, shirts and sweaters*. A copy of this Registration and the PTO TARR report is attached to this Notice of Opposition as **Exhibit A**.

(13) Opposer owns Registration No. 3,383,434 for its A&F MOOSE DESIGN in Classes 14 and 18, with a first use date in commerce of March 2003 in connection with *jewelry, namely, necklaces and bracelets*, and a first use date in commerce of November 2002 in connection with *backpacks, duffel bags, gym bags, handbags, tote bags and travel bags*. A copy of this Registration and PTO TARR report is attached to this Notice of Opposition as **Exhibit B**.

(14) Opposer is the owner of pending Application Serial No. 78/743,723 to register its A&F MOOSE DESIGN, with a first use date at least as early as December 31, 2003, and uses the mark in connection with *clothing, namely, polo shirts, blouses, sweaters, t-shirts, knit shirts, knit tops, sweatshirts, sweatpants, sweat suits, pants, jogging suits, jeans, shorts, skirts, caps, hats, scarves, jackets, coats, sandals, flip flops, socks, belts, tank tops, underwear, boxer shorts, swim suits, pajamas, sleepwear and thongs* in Class 25, and *retail store services, mail order catalog services and online retail services featuring clothing, footwear, accessories, fragrances and jewelry* in Class 35. A copy of the PTO TARR report is attached to this Notice of Opposition as **Exhibit C**.

(15) Opposer owns Registration No. 3,212,644 for its A&F MOOSE DESIGN with a first use date of at least as early as November 1, 2004, in connection with *clothing, namely, polo shirts, sweaters, t-shirts, shirts, knit tops, woven tops, sweatshirts, sweatpants, pants, shorts, caps, hats, scarves, jackets, coats, sandals, flip flops, belts, tank tops, underwear, boxer shorts, swim suits, pajamas, sleepwear* in Class 25, and *retail store services, and on-line retail store services featuring clothing, footwear, fashion accessories, fragrances and jewelry* in Class 35. A copy of this Registration and the PTO TARR report is attached to this Notice of Opposition as **Exhibit D**.

(16) On information and belief, Opposer's A&F MOOSE DESIGN became distinctive and famous prior to any use of the mark subject of Application No. 77/587,959 upon which Applicant can rely.

(17) Opposer has prior trademark rights in the A&F MOOSE DESIGN in the United States based both on its common law rights and Registration Nos. 3,065,016, and 3,383,434.

(18) By virtue of the prior, continuous and substantial advertising and sales of Opposer's goods, purchasers of such goods and others have come to recognize the A&F MOOSE DESIGN as an indicator of origin and, consequently, Opposer has established valuable goodwill and exclusive rights in the A&F MOOSE DESIGN.

(19) In accordance with § 5 of the Federal Trademark Act, all use of the A&F MOOSE DESIGN by Opposer's affiliated and related companies, as alleged herein, inures to the benefit of Opposer.

(20) Opposer would be damaged by the granting of a certificate of registration for Applicant's mark because Applicant's mark is likely, when applied to Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe, contrary to fact, that Applicant's goods covered by the applicant's opposed mark originate with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated with Opposer due to the similarity between Applicant's Moose Design and Opposer's A&F MOOSE DESIGN.

(21) Applicant's mark so resembles Opposer's previously used and registered A&F MOOSE DESIGN as to be likely to cause confusion, to cause mistake or to deceive within the meaning of §2(d) of The Federal Trademark Act, thereby damaging Opposer.

(22) Applicant's use of the mark subject of Application No. 77/587,959 dilutes the A&F MOOSE DESIGN.

(23) Opposer believes it will be damaged by the registration of Application Serial No. 77/587,959.

WHEREFORE, Opposer believes that the present opposition should be sustained and respectfully requests that Application Serial No. 77/587,959 be refused registration.

Respectfully submitted,

9/9/09

Date



Jacob Kramer, Legal Counsel
Abercrombie & Fitch Trading Co.
6301 Fitch Path
New Albany, Ohio 43054
614.283.6930
614.283.8940
jacob_kramer@abercrombie.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served on the following counsel of record for Applicant at the address shown below via Federal Express courier this 9th day of September, 2009:

Scott C. Rand, Esq.
McLane, Graf, Raulerson & Middleton
City Hall Plaza
900 Elm Street, PO Box 326
Manchester, NH 03101

J.J. Kramer

A handwritten signature in black ink, appearing to be 'J.J. Kramer', is written over a horizontal line. The signature is stylized with large, sweeping loops.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RK/cv

Mailed: November 13, 2009

Opposition No. **91191844**

Abercrombie & Fitch Trading
Co.

v.

Paul R. Lopes

On September 10, 2009, applicant filed an abandonment of its application Serial No. 77587959.¹ Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, and because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.

***By the Trademark Trial
and Appeal Board***

¹ Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said abandonment is forwarded herewith to counsel for opposer.

Generated on: This page was generated by TSDR on 2015-06-14 19:48:28 EDT

Mark: THE MOOSE STORE



US Serial Number: 77587959

Application Filing Date: Oct. 07, 2008

Register: Principal

Mark Type: Service Mark

Status: Abandoned after an inter partes decision by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Nov. 13, 2009

Publication Date: May 12, 2009

Date Abandoned: Nov. 13, 2009

Mark Information

Mark Literal Elements: THE MOOSE STORE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a rendering of a moose to the right of the words "THE MOOSE STORE".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "THE MOOSE STORE"

Design Search Code(s): 03.07.07 - Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Caribou; Impala; Fawns; Gazelle
26.11.21 - Rectangles that are completely or partially shaded

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: On-line retail store services featuring moose-related products, namely, stuffed moose toys with adoption certificates, art, automotive products, baby items, books, cards, stationery, calendars, cds, dvds, clothing, collectibles, games, puzzles, gift baskets, hardware, health and beauty products, holiday items, housewares, jewelry and jewelry accessories, kitchenware, magnets, moose mounts, mugs and glasses, novelties and toys, pet supplies, snacks and food items, socks, slippers, sporting goods, and stuffed moose toys

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ABANDONED

Basis: 1(a)

First Use: Sep. 15, 2004

Use in Commerce: Sep. 15, 2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Lopes, Paul R.

Owner Address: 536 Slate Ledge Road
Littleton, NEW HAMPSHIRE 03561
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

AF 002491

Attorney of Record**Attorney Name:** Mark A. Wright**Correspondent****Correspondent Name/Address:** Mark A. Wright
McLane, Graf, Raulerson & Middleton, Pro
900 Elm Street, PO Box 326
Manchester, NEW HAMPSHIRE 03105-0326
UNITED STATES**Phone:** 603-628-1311**Fax:** 603-625-5650**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Nov. 13, 2009	ABANDONMENT NOTICE MAILED - INTER PARTES DECISION	
Nov. 13, 2009	ABANDONMENT - AFTER INTER PARTES DECISION	
Nov. 13, 2009	OPPOSITION TERMINATED NO. 999999	191844
Nov. 13, 2009	OPPOSITION SUSTAINED NO. 999999	191844
Sep. 09, 2009	OPPOSITION INSTITUTED NO. 999999	191844
Jul. 02, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 02, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 29, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 29, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 08, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 28, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
May 28, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 12, 2009	PUBLISHED FOR OPPOSITION	
Apr. 22, 2009	NOTICE OF PUBLICATION	
Apr. 04, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Apr. 01, 2009	ASSIGNED TO LIE	77976
Apr. 01, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 31, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 31, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 31, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 06, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 06, 2009	NON-FINAL ACTION E-MAILED	6325
Jan. 06, 2009	NON-FINAL ACTION WRITTEN	74825
Jan. 06, 2009	ASSIGNED TO EXAMINER	74825
Oct. 11, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 10, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information****TM Attorney:** GILBERT, REBECCA L**Law Office Assigned:** LAW OFFICE 103**File Location****Current Location:** TTAB**Date in Location:** Nov. 13, 2009**Proceedings****Summary****Number of Proceedings:** 2**Type of Proceeding: Opposition****Proceeding Number:** [91191844](#)**Filing Date:** Sep 09, 2009**Status:** Terminated**Status Date:** Nov 13, 2009**AF 002492**

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Lopes, Paul R.

Correspondent Address: Mark A. Wright
McLane, Graf, Raulerson & Middleton, Pro
900 Elm Street, PO Box 326
Manchester NH , 03105-0326
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE MOOSE STORE	Abandoned - After Inter-Partes Decision	77587959	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: Jacob Kramer
Abercrombie & Fitch Trading Co.
6301 Fitch Path
New Albany OH , 43054
UNITED STATES

Correspondent e-mail: jacob_kramer@abercrombie.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	78299926	3065016
	Section 8 - Accepted	78979398	3383434
	Registered	78743723	3964371
	Partial Section 8 and 15 Accepted and Acknowledged	78746305	3212644

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 09, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 09, 2009	Oct 19, 2009
3	PENDING, INSTITUTED	Sep 09, 2009	
4	WITHDRAWAL OF APPLICATION	Sep 10, 2009	
5	BOARD'S DECISION: SUSTAINED	Nov 13, 2009	
6	TERMINATED	Nov 13, 2009	

Type of Proceeding: Extension of Time

Proceeding Number: [77587959](#)

Filing Date: Jun 08, 2009

Status: Terminated

Status Date: Sep 10, 2009

Interlocutory Attorney:

Defendant

Name: Lopes, Paul R.

Correspondent Address: Stacey White-Welker, Esq.
White-Welker & Welker, LLC
Trademark Docket P.O. Box 199
Clear Spring MD , 21722-0199
UNITED STATES

Correspondent e-mail: support@wanderer.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE MOOSE STORE	Abandoned - After Inter-Partes Decision	77587959	

Potential Opposer(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: Jacob Kramer
Abercrombie & Fitch Trading Co.
6301 Fitch Path
New Albany OH , 43054
UNITED STATES

Correspondent e-mail: ipdocketingwest@abercrombie.com

AF 002493

Associated marks

Mark		Application Status	Serial Number	Registration Number
Prosecution History				
Entry Number	History Text		Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED		Jun 08, 2009	
2	EXTENSION OF TIME GRANTED		Jun 08, 2009	
3	CHANGE OF CORRESPONDENCE ADDRESS		Jul 01, 2009	
4	INCOMING - EXT TIME TO OPPOSE FILED		Jul 01, 2009	
5	EXTENSION OF TIME GRANTED		Jul 01, 2009	

*Abercrombie and Fitch Trading Co. v.
Schnittger, Isabella Elisabeth*

Opposition No. 91218738

Offering Party: Abercrombie and Fitch
Trading Co.

Wilson Affidavit Exhibit 31

JONES DAY

51 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001.2113
TELEPHONE: +1.202.879.3939 • FACSIMILE: +1.202.626 1700

December 18, 2013

VIA FEDERAL EXPRESS AND E-MAIL (ipprosecution@orrick.com)

Mr. Gino Cheng, Esq.
Orrick Herrington & Sutcliffe LLP
2050 Main Street
Suite 1100
Irvine, CA 92614-8255

Re: Unauthorized Use of Abercrombie & Fitch Trademarks

Dear Mr. Cheng:

We are trademark litigation counsel for Abercrombie & Fitch Co. ("A&F").

As we trust you are aware, A&F is the owner of moose design marks ("Moose Marks") on a variety of goods, including but not limited to clothing, footwear, jewelry, bags and personal care products. A&F has offered products bearing its Moose Marks since at least as early as 2002, and A&F's Moose Marks appear on a substantial share of A&F's products. A&F's sale of apparel under its Moose Marks has exceeded \$5.8 billion. Given the volume of sales and recognition among consumers of A&F goods bearing the A&F Moose Marks, A&F's Moose Marks have become famous. Indeed, the Chicago Tribune featured A&F's Moose Mark in a June 26, 2005 article on logos that included A&F's Moose Mark among other famous logos such as Ralph Lauren's polo pony and Lacoste's crocodile. (*See Exhibit A.*)

A&F owns and has applied for additional registrations of its Moose Marks and also has strong common law rights in its Moose Marks. Copies of A&F registrations and pending applications for its Moose Marks are attached hereto as Exhibit B. Because of the value of these trademark assets, A&F is vigilant in policing third party uses that could lead to consumer confusion as to the source of particular products and services, or that could otherwise impair the trademark function of its marks.

A&F recently has discovered that your client, Fairview Import Corporation ("Fairview") has applied for registration of the mark Moose Design & HERITAGE COLLECTION, Application No. 85/395,780, which proposes use in connection with sunglasses and eyeglasses and related goods. (*See Exhibit C.*) As recently recognized by the Trademark Trial and Appeal Board, the moose design in Fairview's proposed mark

is “prominent” and “contributes greatly to the visual impression of applicant’s mark,” thereby making it the dominant portion of the mark. *In re Fairview Import Corp.*, 2013 WL 4635980, *4 (TTAB 2013). Accordingly, the dominant portion of your client’s mark creates the same commercial impression, and is nearly identical to A&F’s arbitrary and strong Moose Marks. Moreover, based on a review of your client’s website it appears likely that Fairview could use the moose design portion of its proposed mark alone in a minimized size on its sunglasses, thereby decreasing any minor dissimilarities and further increasing the likelihood of confusion with A&F’s Moose Marks. Such application and proposed use threatens to infringe A&F’s famous Moose Marks.

The goods for which your client is proposing use are closely related and/or complementary to the goods covered by the A&F registrations and for which A&F has long been using its Moose Marks. *Gado S.R.L. v. Jay-Y Enterprise Co., Inc.*, 2013 WL 5498172, *20 (TTAB 2013) (“It is common knowledge that sunglasses and clothing may be complementary products in that consumers may purchase sunglasses as a fashion accessory. A number of clothing manufacturers make both clothing and sunglasses.”); *In re Shark Eyes, Inc.*, Serial No. 77965144 (TTAB 2012) (“It appears that both eyeglasses and sunglasses are commonly offered by clothing manufacturers as a typical accessory to complement the rest of the clothing line.”). Additionally, your client’s proposed goods fall within the zone of expansion protected by A&F’s prior registrations. A&F has been developing its plans to expand into this area as evidenced by its Appln. No. 77/923,252 for the mark ABERCROMBIE & FITCH in Class 9 for sunglasses (among other goods), and has current plans to expand into this product area, including use of its Moose Marks in connection with sunglasses. *See Brookfield Communications, Inc. v. West Coast Entertainment Corp.*, 174 F.3d 1036, 1047 (9th Cir. 1999) (“The first to use a mark is deemed the ‘senior’ user and has the right to enjoin ‘junior’ users from using confusingly similar marks in the same industry and market or within the senior user’s natural zone of expansion.”).

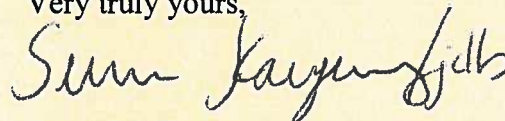
As you know, federal law provides various remedies for trademark infringement such as the unauthorized use of A&F’s Moose Marks, including preliminary and permanent injunctive relief, disgorgement of profits, and the destruction or confiscation of infringing products and promotional materials. Moreover, if a court were to find that Fairview willfully attempted to trade off A&F’s marks, a court may further order Fairview to reimburse A&F’s attorneys’ fees for any legal action.

A&F has filed an extension of time to oppose Fairview’s Application No. 85/395,780 based on the harm said application poses to A&F’s rights in its Moose Marks, and A&F will oppose this application if necessary. Nonetheless, it is our client’s hope that this matter can be amicably resolved, and that it will have your client’s cooperation in expressly abandoning Application No. 85/395,780 and ceasing any and all use of the moose design covered by the application.

If your client meets A&F's request to 1) expressly abandon Application No. 85/395,780 with prejudice and provide proof of filing of the same; 2) permanently cease and desist any and all use of the moose design in Application No. 85/395,780, as well as any colorable imitations of A&F's Moose Marks; 3) refrain from using, adopting, or applying to register in the future the moose design in Application No. 85/395,780 or any confusingly similar design; and 4) confirm such agreement by signing and returning the below acknowledgment, then A&F will consider the matter closed and will not seek monetary or other relief regarding this matter from your client.

A&F is prepared to proceed with an opposition and to seek other relief from Fairview. However, given the close similarity of your client's proposed moose design to A&F's Moose Marks on competing products, we trust that you will recognize the fairness of A&F's request, and we look forward to your positive response by **January 15, 2014**.

Very truly yours,



Susan M. Kayser

Enclosures

Without admitting liability, and expressly denying the same, we acknowledge that by January 15, 2014 we will 1) expressly abandon Application No. 85/395,780 with prejudice and provide proof of filing of the same; 2) permanently cease and desist any and all use of the moose design in Application No. 85/395,780, as well as any colorable imitations of A&F's Moose Marks; and 3) refrain from using, adopting, or applying to register in the future the moose design in Application No. 85/395,780 or any confusingly similar design.

Fairview Import Corporation

By (print name): _____

Title: _____

Date: _____

Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85395780
LAW OFFICE ASSIGNED	LAW OFFICE 103
PUBLISH FOR OPPOSITION DATE	10/15/2013
MARK SECTION	
MARK	HERITAGE COLLECTION
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/GINO CHENG/
SIGNATORY NAME	Gino Cheng
SIGNATORY DATE	01/10/2014
SIGNATORY POSITION	Attorney of record, California bar member
SIGNATORY PHONE NUMBER	949-567-6700
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jan 10 19:21:04 EST 2014
TEAS STAMP	USPTO/REA-174.47.27.25-20 140110192104965400-853957 80-500bdf736f03b7bbd7eee4 9a3c18640e47a4a9f5e44d23b 7f6edc3536555193fe-N/A-N/ A-20140110191029634114

Request for Express Abandonment

To the Commissioner for Trademarks:

MARK: HERITAGE COLLECTION
SERIAL NUMBER: 85395780

By submission of this request, the applicant hereby expressly abandons the application for trademark registration made under the serial number identified above. Except as provided in 37 C.F.R Section 2.135. (concerning the commencement of an opposition, concurrent use, or interference proceeding), the fact that an application has been expressly abandoned shall not, in any proceeding in the United State Patent and Trademark Office, affect any right that the applicant may have in the mark which is the subject of the abandoned application.

Signature: /GINO CHENG/ Date: 01/10/2014
Signatory's Name: Gino Cheng
Signatory's Position: Attorney of record, California bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85395780
Internet Transmission Date: Fri Jan 10 19:21:04 EST 2014
TEAS Stamp: USPTO/REA-174.47.27.25-20140110192104965
400-85395780-500bdf736f03b7bbd7eee49a3c1
8640e47a4a9f5e44d23b7f6edc3536555193fe-N
/A-N/A-20140110191029634114

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Jan 14, 2014

The trademark application identified below was abandoned after publication and before registration. No further action will be taken on the application.

For additional information, review the status of the application and view the documents in the file record for this application available at the USPTO website <http://www.uspto.gov>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85395780
MARK: HERITAGE COLLECTION
OWNER: Fairview Import Corporation

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O.BOX 1451
ALEXANDRIA, VA 22313-1451

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GINO CHENG
ORRICK HERRINGTON & SUTCLIFFE LLP
2050 MAIN STREET
SUITE 1100
IRVINE , CA 92614-8255

AF 002587

Generated on: This page was generated by TSDR on 2015-06-14 19:02:26 EDT

Mark: HERITAGE COLLECTION



US Serial Number: 85395780

Application Filing Date: Aug. 11, 2011

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Abandoned after publication because applicant filed an express abandonment. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 14, 2014

Publication Date: Oct. 15, 2013

Date Abandoned: Jan. 14, 2014

Mark Information

Mark Literal Elements: HERITAGE COLLECTION

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a moose over the words "Heritage Collection" in stylized lettering.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "COLLECTION"

Design Search Code(s): 03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Impala; Gazelle; Fawns

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Cases for eyeglasses and sunglasses; Cases for spectacles and sunglasses; Chains for spectacles and for sunglasses; Eyewear, namely, sunglasses, eyeglasses and ophthalmic frames and cases therefor; Frames for spectacles and sunglasses; Lenses for sunglasses; Spectacles and sunglasses; Sunglass lenses; Sunglasses; Sunglasses and spectacles

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ABANDONED

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Fairview Import Corporation

Owner Address: 9934 Bell Ranch Drive
Santa Fe Springs, CALIFORNIA 90670
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

AF 002588

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Gino Cheng	Docket Number: 25314.6015
Attorney Primary Email Address: ipprosecution@orrick.com	Attorney Email Authorized: Yes
Correspondent	
Correspondent Name/Address: GINO CHENG ORRICK HERRINGTON & SUTCLIFFE LLP 2050 MAIN STREET SUITE 1100 IRVINE, CALIFORNIA 92614-8255 UNITED STATES	
Phone: 949-567-6700	Fax: 949-567-6710
Correspondent e-mail: ipprosecution@orrick.com	Correspondent e-mail Authorized: Yes
Domestic Representative - Not Found	

Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2014	ABANDONMENT NOTICE MAILED - AFTER PUBLICATION	
Jan. 14, 2014	ABANDONMENT - AFTER PUBLICATION	
Jan. 10, 2014	TEAS EXPRESS ABANDONMENT RECEIVED	
Nov. 14, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 15, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 15, 2013	PUBLISHED FOR OPPOSITION	
Sep. 25, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 09, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Sep. 09, 2013	ASSIGNED TO LIE	68123
Aug. 29, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 29, 2013	EXPARTE APPEAL TERMINATED	395780
Aug. 16, 2013	EX PARTE APPEAL-REFUSAL REVERSED	395780
May 16, 2013	NOTIFICATION OF EXAMINERS STATEMENT E-MAILED	
May 16, 2013	EXAMINERS STATEMENT E-MAILED	
May 16, 2013	EXAMINERS STATEMENT - COMPLETED	82438
Mar. 19, 2013	JURISDICTION RESTORED TO EXAMINING ATTORNEY	395780
Jan. 15, 2013	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Jan. 15, 2013	ACTION DENYING REQ FOR RECON E-MAILED	
Jan. 15, 2013	ACTION CONTINUING FINAL - COMPLETED	82438
Jan. 14, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jan. 14, 2013	EX PARTE APPEAL-INSTITUTED	395780
Jan. 14, 2013	JURISDICTION RESTORED TO EXAMINING ATTORNEY	395780
Jan. 14, 2013	EXPARTE APPEAL RECEIVED AT TTAB	
Jul. 12, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jul. 12, 2012	FINAL REFUSAL E-MAILED	
Jul. 12, 2012	FINAL REFUSAL WRITTEN	82438
Jul. 10, 2012	ASSIGNED TO EXAMINER	82438
Jun. 06, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 05, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 05, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 05, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2011	NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2011	NON-FINAL ACTION WRITTEN	81094

Dec. 03, 2011 ASSIGNED TO EXAMINER
Aug. 17, 2011 NOTICE OF DESIGN SEARCH CODE MAILED
Aug. 16, 2011 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Aug. 15, 2011 NEW APPLICATION ENTERED IN TRAM

81094

TM Staff and Location Information

TM Staff Information	
TM Attorney: RAPPAPORT, SETH A	Law Office Assigned: LAW OFFICE 103
File Location	
Current Location: GENERIC WEB UPDATE	Date in Location: Jan. 14, 2014

Proceedings

Summary
Number of Proceedings: 2
Type of Proceeding: Extension of Time

Proceeding Number: [85395780](#) Filing Date: Nov 14, 2013
Status: Terminated Status Date: Feb 12, 2014

Interlocutory Attorney:

Defendant
Name: Fairview Import Corporation
Correspondent Address: GINO CHENG ORRICK HERRINGTON & SUTCLIFFE LLP 2050 MAIN STREET SUITE 1100 IRVINE CA , 92614-8255 UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number
HERITAGE COLLECTION	Abandoned - After Publication	85395780	

Potential Opposer(s)
Name: Abercrombie & Fitch Trading Co.
Correspondent Address: Jacob Kramer Abercrombie & Fitch Trading Co. 6301 Fitch Path New Albany OH , 43054 UNITED STATES
Correspondent e-mail: ipdocketingwest@abercrombie.com

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 14, 2013	
2	EXTENSION OF TIME GRANTED	Nov 14, 2013	

Type of Proceeding: Exparte Appeal
Proceeding Number: 85395780 Filing Date: Jan 14, 2013
Status: Terminated Status Date: Aug 29, 2013
Interlocutory Attorney:

Plaintiff(s)
Name: Fairview Import Corporation
Correspondent Address: GINO CHENG ORRICK HERRINGTON & SUTCLIFFE LLP 2050 MAIN STREET, SUITE 1100 IRVINE CA , 92614-8255 UNITED STATES
Correspondent e-mail: ipprosecution@orrick.com , gcheng@orrick.com , achen@orrick.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
HERITAGE COLLECTION	Abandoned - After Publication	85395780	

Prosecution History

AF 002590

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jan 14, 2013	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Jan 14, 2013	
3	INSTITUTED	Jan 14, 2013	
4	REQ FOR RECON	Jan 14, 2013	
5	REQ FOR RECON	Jan 14, 2013	
6	RECON DENIED	Jan 15, 2013	
7	PROCEEDINGS RESUMED	Jan 16, 2013	
8	APPEAL BRIEF	Mar 18, 2013	
9	APPEAL FORWARDED TO EXAMINER FOR BRIEF	Mar 19, 2013	
10	EXAMINER'S STATEMENT	May 16, 2013	
11	SUBMITTED ON BRIEF	Jun 26, 2013	
12	BD DECISION: REVERSED	Aug 16, 2013	
13	TERMINATED	Aug 29, 2013	